



## Executive Officer's Report

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**To:** Imperial LAFCo Commissioners

**From:** Tyler Salcido, Executive Officer

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**Item #:** 10d

**Subject:** Rules and Regulations to Implement the California Environmental Quality Act (CEQA)

**Date:** January 23, 2025

**Time:** 08:30 a.m.

**Location:** El Centro City Council Chambers  
1275 W. Main Street, El Centro, CA 92243

### Report

State law requires all projects to follow the Rules and Regulations for the California Environmental Quality Act (CEQA). It also requires each agency to keep those rules current. Imperial LAFCo last updated its CEQA Rules and Regulations in 2018.

This new update brings our manual in line with the **2024 CEQA Statute & Guidelines**. Most of the changes are minor corrections or grammar fixes, but there's one bigger change in **Section 3: DEFINITIONS (O)**. We've updated the name of the former Office of Planning and Research to its new title: the **Governor's Office of Land Use and Climate Innovation (GO-LUCI)**.

We also updated our **Environmental Checklist** (Appendix B) of the Rules and Regulations to Implement the California Environmental Quality Act (CEQA) for Initial Studies to match the latest version used across the state. Here are some of the bigger changes:

1. **New Environmental Factors:** Four new items were added to the checklist:
  - o Energy
  - o Greenhouse Gas Emissions
  - o Tribal Cultural Resources
  - o Wildfire

2. **Threshold Name Change:** The second threshold of environmental impacts changed from *Potentially Significant Unless Mitigation Incorporated (PSUMI)* to *Less Than Significant With Mitigation Incorporated (LTSWMI)*.
3. **Modified Questions:** Eleven other environmental factors were tweaked by either adding, removing, or modifying questions.

## Options

- OPTION #1:** Approve and adopt the updated Rules and Regulations to Implement the California Environmental Quality Act (CEQA) as presented by the Executive Officer.
- OPTION #2:** Approve and adopt the updated Rules and Regulations to Implement the California Environmental Quality Act (CEQA) as amended by the Commission.

## Recommendation by the Executive Officer

The Executive Officer recommends that the Commission consider the updated Rules and Regulations to Implement the California Environmental Quality Act (CEQA). The Executive Officer then recommends, assuming no significant public input warrants to the contrary, that LAFCo take the following action:

**OPTION #1: Approve and adopt the updated Rules and Regulations to Implement the California Environmental Quality Act (CEQA) as presented by the Executive Officer.**

**EXHIBIT A:** Draft Rules and Regulations to Implement the California Environmental Quality Act (CEQA)

**EXHIBIT B:** Draft Rules and Regulations to Implement the California Environmental Quality Act (CEQA) – Red Lined Version

**EXHIBIT C:** Draft LAFCo Resolution #2025-XX

# EXHIBIT A

Draft Rules and Regulations to Implement the California Environmental Quality Act (CEQA)



***RULES AND REGULATIONS TO IMPLEMENT THE  
California Environmental Quality Act (CEQA)***

**Source:  
California Environmental Quality  
Act (CEQA) (PUBLIC RESOURCES  
CODE 21000 et. seq.)  
Guidelines**

Prepared by:

Imperial Local Agency Formation  
Commission (LAFCO)  
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Tyler Salcido,  
Executive Officer to  
LAFCO

**APPROVAL  
TRACKING**

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***CEQA RULES AND REGULATIONS  
AMENDMENT APPROVAL DATES***

<b>ACTION:</b>	<b>DATE</b>
Approved	09/26/2002
Amended	12/04/2003
Amended	03/22/2012
Amended	01/25/2018
Amended	12/19/2024

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## INTRODUCTION

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State law requires that every lead agency have defined rules or guidelines to implement the California Environmental Quality Act (CEQA).

This manual, therefore, is the Imperial Local Agency Formation Commission (I.C. LAFCO) "Rules and Regulations to Implement CEQA". These regulations shall be applicable to all projects.

### Section 1: POLICY

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- a) **General:** The policy of the I.C. LAFCO and any adopting agency shall be the same as, and in support of, those policies defined by the State Legislature in the California Environmental Quality Act (Division 13, Public Resources Code, (PRC), 21000 et. seq.) as may be amended by Legislative Act.
- b) **Co-Lead:** It is the policy of I.C. LAFCO that in the case of substantial projects, in order to have a coordinated and legally defensible CEQA document, the County/ City/District/Agency and I.C. LAFCO will process to the extent possible the project on a "co-lead" basis.

FINDINGS: The LAFCO finds that where it (I.C. LAFCO) is a responsible agency only and the lead agency has not prepared an environmental document that meets the minimum standards expected under LAFCO rules, or under the CEQA statutes or guidelines, that it is in the interest of all parties including the applicant to have a well prepared CEQA document, LAFCO would therefore have to prepare its own, if it finds the lead agency document to be inadequate.

### Section 2: PURPOSE

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These CEQA Rules are designated to implement the California Environmental Quality Act and the Guidelines thereto, which are contained in Title 14, Chapter 3 of the California Administrative Code, now cited as the CALIFORNIA CODE OF REGULATIONS (CCR) (commencing with Section 15000).

These CEQA Rules shall apply to any project for which the LAFCO is the lead agency or "responsible agency". The provisions contained herein are not intended to replace either the terms of CEQA or the terms of the accompanying Guidelines. In the event that any of the following rules or procedures conflict with the provisions of CEQA or the Guidelines, the provisions of CEQA or the Guidelines shall control.

### Section 3: DEFINITIONS

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The words or phrases used in these CEQA Rules shall have the meaning as used in CEQA and Guidelines, except for the following:

- (A) **"CEQA Compliance & Implementation"** The LAFCO Executive Officer is the "officially" designated environmental compliance designee and shall be responsible for the proper and effective implementation of the California Environmental Quality Act (CEQA). This shall apply to all sponsored as well as all private projects.



- (B) **“Analyst/Clerk”** shall refer to the I.C. LAFCO person whose title and job duties are shared under this category.
- (C) **“Co-Lead Agency”** means two agencies acting in partnership to prepare a CEQA document. One of the two agencies may have some greater responsibility, however to the extent possible the two agencies act as one. The intent is to streamline and coordinate the environmental review process particularly where both agencies are required to consider permitting or approving a project. For example, LAFCO and the City could be co-lead agencies for an annexation. Co-lead does not apply to I.C. LAFCO initiated projects, SOI, or MSR’s projects.
- (D) **“Decision-making body”** shall refer to the LAFCO Commission.
- (E) **“Discretionary Project”** means a project that requires the exercise of judgment or deliberation when the public agency or body decides to approve or disapprove a particular activity, as distinguished from situations where the public agency or body merely has to determine whether there has been conformity with applicable statutes, ordinances, or regulations.
- (F) **“EIR”** or **“Environmental Impact Report”** refers to a detailed statement prepared under CEQA describing and analyzing the significant environmental effects of a project and discussing ways to mitigate or avoid the effects.
- (G) **“Guidelines”** shall refer to the State Guidelines for implementation of the California Environmental Quality Act (California Code of Regulations, Title 14, Division 6, Chapter 3) and as thereafter amended.
- (H) **“Initial Study”** refers to the preliminary analysis prepared by the lead agency (LAFCO, where LAFCO is lead) to determine whether an EIR or a Negative Declaration must be prepared or to identify the significant effects to be analyzed in an EIR.
- (I) **“Intermediate Project”** refers to any project with a project value of less than \$1,000,000 and is not classified as a minor project.
- (J) **“Lead Agency”** means the public agency (LAFCO, where LAFCO is the first or only agency to act, more generally it will be a City, County, or District) that has the principal responsibility for carrying out or approving a project, or reviewing projects from another agency, and which has primary responsibility to determine or decide whether an EIR, Mitigated Negative Declaration, or Negative Declaration, is required for the project and will cause the appropriate document to be prepared. Criteria for determining which agency will be the Lead Agency for a project are contained in the Guidelines, Section 15051. See *also* “co-lead” agency.
- (K) **“Ministerial”** describes a governmental decision involving little or no personal judgment by the public official as to the wisdom or manner of carrying out the project. Law is applied to the facts as presented, but no special discretion or judgment is employed in reaching a decision.

- (L) **“Mitigated Negative Declaration”** refers to a Negative Declaration prepared for a project when the initial study has identified potentially significant effects on the environment, but mitigation measures will be adopted in order to reduce the impacts on the environment to less than significant.
- (M) **“Mitigation Measures”** may include, but are not limited to:
- (a) Avoiding the impact altogether by not taking a certain action *or parts of an action*.
  - (b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation.
  - (c) Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment.
  - (d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
  - (e) Compensating for the impact by replacing or providing substitute resources or environments.
- (N) **“Negative Declaration”** refers to a written statement by the lead agency briefly describing the reasons that a proposed project, not exempt from CEQA, will not have a significant effect on the environment and therefore will not require *the preparation of an EIR*.
- (O) **“Notice of Completion” (NOC)** refers to a brief notice filed with the Governor’s Office of Land Use and Climate Innovation (GO-LUCI) (aka) State Clearinghouse by a lead agency as soon as it has completed a Mitigated Negative Declaration (MND) or Draft EIR and is prepared to send out copies for review.
- “
- (P) **“Notice of Determination” (NOD)** refers to a brief notice filed by a public agency after it approves or determines to carry out a project, which is subject to *the requirements of CEQA*.
- (Q) **“Notice of Preparation” (NOP)** refers to a brief notice sent by a lead agency to notify the responsible agencies, trustee agencies, and involved federal agencies that the lead agency plans to prepare an EIR for the project.
- (R) **“Executive Officer”** shall mean the Executive Officer to LAFCO as appointed by LAFCO. The Executive Officer may delegate CEQA compliance responsibility to staff or consultant(s) on a case-by-case basis; however, the Executive Officer shall have the final approval.
- (S) **“Project”** shall mean the whole of an action, which has the potential to result in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, and that is any of the following:
- (a) An activity directly undertaken by any public agency.
  - (b) An activity undertaken by a person which is supported, in whole or in part through contracts, grants, subsidies, loans, or other forms of assistance from one or more public agencies.

- (c) An activity involving the issuance to a person of a lease, permit, license, certificate, or other entitlement for use by one or more public agencies.
- (T) **“Responsible Agency”** means a public agency, that proposes to carry out or approve a project, for which a Lead Agency is preparing or has prepared an EIR, Mitigated Negative Declaration, or Negative Declaration. For CEQA, the term "Responsible Agency" includes all public agencies other than the Lead Agency or the “Co-Lead Agency” that have discretionary approval power over the project.
- (U) **“Trustee Agency”** means a state agency having jurisdiction by law over natural resources affected by a project which are held in trust for the people of the State of California. Trustee Agencies include:
  - (a) The California Department of Fish and Game concerning the fish and wildlife of the state, designated rare or endangered native plants, and the game refuges, ecological reserves, and other areas administered by the department.
  - (b) The State Land Commission concerning state-owned "sovereign" lands such as the beds of navigable water and state school lands.
  - (c) The State Department of Parks and Recreation concerning units of the State Park System.
  - (d) The University of California concerning sites within the Natural Land and Water Reserves System.

#### **Section 4: GENERAL RESPONSIBILITIES OF THE LAFCO**

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- (A) The Executive Officer shall be responsible for reviewing each project application submitted to or by the County, City, Special District, or Private entity, to determine the appropriate action to be taken under the standards and conditions set by CEQA and these Rules. This shall also include making a determination on a project-by-project basis whether to seek co-lead status with the City/District.
- (B) The Executive Officer shall be responsible for assuring that the mandated time periods as prescribed by CEQA and this document are met.
- (C) The Executive Officer shall be responsible and have the sole discretion for accepting and determining the completeness of all applications for projects received by the LAFCO.

#### **Section 5: APPLICATION PROCEDURES**

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- (A) Initial Discussion:

- (1) The Executive Officer may meet with the Applicant, or at the Applicant's request, to review the project proposal. This is referred to as a Pre-Application Meeting. This is strongly encouraged.
  - (2) The Executive Officer shall provide the Applicant with the application package, fee schedule, and indemnification agreement.
  - (3) The Executive Officer shall give general guidance in the application procedures and identify necessary information and materials to be provided by the Applicant.
  - (4) The Executive Officer shall meet with the City, District, or County to establish which projects need to be prepared on a "co-lead" basis.
  - (5) The City, District, or County shall notify the Executive Officer of any pending application for a land use project that will concurrently seek an annexation or boundary change.
- (B) Determination of Completeness:
- (1) The Applicant shall provide to the LAFCO: a check for all required fees, all information shown on the forms provided by the LAFCO, a completed, signed, and dated application, including an "Indemnification Agreement", and all other supporting documentation requested by LAFCO.
  - (2) The Executive Officer shall:
    - (a) Review the application and all supporting data for completeness, and whether the appropriate fees have been submitted;  
*Note: Depositing the check does not constitute acceptance.*
    - (b) Forward a copy of each such application to all interested parties or agencies;
    - (c) Inform the applicant of any "known" potential environmental impacts; and
    - (d) Make a determination of completeness within thirty (30) days of receipt of application forms, supporting documentation, and necessary fees from Applicant.
- (C) Application Found Incomplete:
- (1) If the Executive Officer determines the application to be incomplete, the Executive Officer shall inform the Applicant in writing and advise the Applicant what is necessary to make the application complete. A copy of the Letter of Transmittal shall be placed in the file indicating this action was taken.

- (2) The Applicant must provide the LAFCO with the additional and/or revised information needed. Upon submission of the requested additional or revised information, the Executive Officer shall determine the completeness of the application in accordance with (B) above.
- (3) If after 60 days from date of rejection finding the project incomplete and the Applicant has not supplied the necessary information to complete the application, the application and supporting documentation shall be returned to the applicant along with all unused fees, and the project file closed. The Executive Officer shall refund only those fees not already used in the processing of the application. The Executive Officer may extend this time as he/she determines appropriate.
- (4) On any project that is returned, pursuant to provisions of paragraph (3) above, the Applicant shall file a new application with full (new) fees.

## **Section 6: EXEMPTIONS**

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- (A) Determination of Exemption: The Executive Officer shall make a determination as to whether the project is exempt from CEQA and these Rules.
- (B) Project Type: The following projects are exempt from the requirements contained in these Rules:
  - (1) CEQA Guidelines exemptions as follows
    - (a) 25 Statutory Exemptions, CEQA Guideline, Sections 15260 - 15285. (as amended)
      - (1) **Ongoing Projects:** Only applies to projects that were carried out by a public agency prior to 11/23/1970. Additionally, this exemption does not apply if project has a significant amount of unused funds and it is still feasible to modify the project to mitigate potentially adverse environmental effects or in the event the public agency proposes to modify the project in such a way that the project might have a new significant effect on the environment.
      - (2) **Feasibility and Planning Studies:** A project involving only feasibility or planning studies for possible future actions which the decision-making body has not approved, adopted, or funded, but does require consideration of environmental factors.
      - (3) **Discharge Requirements:** The State Water Resources Control Board and the regional boards are exempt, when adopting waste discharge requirements, except as

defined in the Federal Water Pollution Control Act.

- (4) **Timberland Preserves:** Adoption of timberland preserve zones under Government Code Sections 51100 et seq.
- (5) **Adoption of Coastal Plans and Programs:** CEQA does not apply to activities and approvals pursuant to the California Coastal Act, (PRC, Sections 30000, et seq).
- (6) **General Plan Time Extensions:** CEQA does not apply to time extensions granted by GO-LUCI (formerly the Office of Planning and Research) for the preparation and adoption of one or more elements of a City or County General Plan.
- (7) **Financial Assistance to Low or Moderate Income Housing:** CEQA does not apply to actions taken by the Department of Housing and Community Development to provide financial assistance for such developments, as defined by Health and Safety Code, Section 50093. The residential project which is the subject of the application for financial assistance will be subject to CEQA when approvals are granted by another agency.
- (8) **Ministerial Projects:** Ministerial permits are exempt from the requirements of CEQA. The determination of what is “ministerial” can most appropriately be made by the particular public agency involved based upon its analysis of its laws, and each public agency should make such determination either as a part of its implementing regulations or on a case-by-case basis. Further defined by Guidelines, Section 15268.
- (9) **Emergency Projects:** Emergency projects, as defined by Guidelines Section 15269, are exempt from the requirements of CEQA.
- (10) **Projects Which Are Disapproved:** Projects that are rejected prior to the initiation of the CEQA process are exempt from said process, provided the project is not later resubmitted.
- (11) **Early Activities Related to Thermal Power Plants:** CEQA does not apply to actions taken by a public agency, relating to the expenditure, obligation, or encumbrance of funds, by said public agency for planning, engineering, or design purposes or for “conditional” sale or purchase of equipment, fuel, water

(except groundwater) steam or power. However the thermal power plants will be subject to CEQA and any documentation prepared for the thermal power plant or site or facility will include the environmental impact of the early activities.

- (12) **Olympic Games:** CEQA does not apply to the activities or approvals necessary to the bidding for hosting and funding or carrying out of Olympic games under the authority of the International Olympic Committee, except for the construction of facilities necessary for such Olympic Games.
- (13) **Rates, Tolls, Fares, and Charges:** The establishment, modification, structuring, restructuring, or approval of rates, tolls, fares or other charges by public agencies, which are for the following purposes: meeting agency operating expenses, including, wages, benefits; purchasing or leasing of supplies or equipment, materials; meeting financial reserves; funding for capital projects necessary to maintain public services or obtaining funds for intra-city transfers. However rate increases to fund capital projects for the “expansion” of a system are subject to CEQA.
- (14) **Family Day Care Homes:**
  - a. The establishment or operation of a large family day care home, which provides in-home care for up to fourteen (14) children, as defined in the Health and Safety Code, Section 1596.78.
  - b. Under the Health and Safety Code, local agencies cannot require use permits for the establishment or operation of a small family day care home, which provides in-home care for up to eight children, and the establishment or operation of a small family day care home is a ministerial action which is not subject to CEQA.
- (15) **Specified Mass Transit Projects:** The institution or increase of passenger or commuter service on rail lines or high-occupancy vehicle lanes already in use, including the modernization of existing stations and parking facilities. Facility extensions not to exceed four (4) miles in length, which are required for transfer of passengers to or from exclusive public mass transit guideway or busway public transit services.

- (16) **Transportation Improvement and Congestion Management Programs:** The development and adoption of a regional transportation improvement program or the state transportation program, however individual projects developed pursuant to these programs are subject to CEQA review.
- (17) **Projects Located Outside California:** CEQA does not apply to any project or portion thereof which is located outside of the State of California. Said projects may still be subject to National Environmental Policy Act or the state in which the project is located if adopted environmental regulations exist. Any emissions or discharges that would have a significant effect on the environment in the State of California are subject to CEQA where a California public agency has authority over the emissions or discharges.
- (18) **Application of Coatings:** CEQA does not apply to a discretionary decision by an Air Quality Management District for a project consisting of the application of coatings within an existing facility at an automotive manufacturing plant provided the district makes the applicable findings in Guidelines, Section 15278.
- (19) **Air Quality Permits:** CEQA does not apply to the issuance, modification, amendment, or renewal of any permit by an Air Pollution Control District or Air Quality Management District pursuant to Title V, as defined in the Health and Safety Code, Section 39053.3 or pursuant to the Air District Title V program established under the Health and Safety Code, Section 42301.10, 42301.11 and 42301.12, unless the issuance, modification, amendment, or renewal authorized is a physical or operational change to a source or facility.
- (20) **Other Statutory Exemptions:** CEQA does not apply to the "Other Statutory Exemptions" (a) through (w) as defined in Guidelines, Section 15282.
- (21) **Housing Needs Allocation:** CEQA does not apply to regional housing needs determinations made by the Department of Housing and Community Development, a council of governments, or a city or county, pursuant to Government Code, Section 65584.
- (22) **Pipelines:** CEQA does not apply to any project consisting of the inspection, maintenance, repair, reconditioning, relocation, replacement, or removal of an



existing hazardous or volatile liquid pipeline or any valve, flange, meter, or other piece of equipment that is directly attached to the pipeline, as defined in Guidelines, Section 15284.

- (23) **Transit Agency Responses to Revenue Shortfalls:** CEQA does not apply to actions taken on or after July 1, 1995 to implement budget reductions made by a publicly owned transit agency as a result of a fiscal emergency caused by the failure of agency revenues to adequately fund agency programs and facilities, as defined in Guidelines, Section 15285.

Note: For a complete explanation of the Statutory Exemptions listed above review the CEQA Guidelines, Sections 15260 – 15285 or as amended.

- (b) 33 Categorical Exemptions, CEQA Guidelines, Sections 15300 - 15333.
- (1) **Existing Facilities:** Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination, as defined in Guidelines, Section 15301.
- (2) **Replacement or Reconstruction:** Class 2 consists of replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced, as defined in Guidelines, Section 15302.
- (3) **New Construction or Conversion of Small Structures:** Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure, as defined in Guidelines, Section 15303.
- (4) **Minor Alterations to Land:** Class 4 consists of minor public or private alterations in the condition of land,

water, and/or vegetation, which do not involve removal of healthy, mature, scenic trees, except for forestry and agricultural purposes, as defined in Guideline, Section 15304.

- (5) **Minor Alterations in Land Use Limitations:** Class 5 consists of minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any change in land use or density, such as lot line adjustments, variances, reversion to acreage in accordance with the Subdivision Map Act, or the issuance of minor encroachment permits, further defined in Guideline, Section 15305.
- (6) **Information Collection:** Class 6 consists of basic data collection, research, experimental management, and resource evaluation activities, which do not result in a serious or major disturbance to an environmental resource. These are strictly for information gathering purposes, or as part of a study leading to an action, which a public agency has not yet approved, adopted or funded.
- (7) **Actions by Regulatory Agencies for Protection of Natural Resources:** Class 7 consists of actions taken by regulatory agencies as authorized by state law or local ordinance to assure the maintenance, restoration, or enhancement of a natural resource where the regulatory process involves procedures for protection of the environment.
- (8) **Actions by Regulatory Agencies for Protection of the Environment:** Class 8 consists of actions taken by regulatory agencies as authorized by state law or local ordinance to assure the maintenance, restoration, or enhancement of the environment where the regulatory process involves procedures for protection of the environment. Construction activities and relaxation of standards allowing environmental degradation are not included.
- (9) **Inspections:** Class 9 consists of activities limited entirely to inspections, to check for performance of an operation, or quality, health, or safety of a project, including related activities such as inspection for possible mislabeling, misrepresentation, or adulteration of products.
- (10) **Loans:** Class 10 consists of loans made by the Department of Veterans Affairs under the Veterans Farm

and Home Purchase Act of 1943, mortgages for the purchase of existing structures where the loan will not be used for new construction and the purchase of such mortgages by financial institutions, further defined in Guidelines, Section 15310.

- (11) **Accessory Structures:** Class 11 consists of construction, or replacement of minor structures accessory to (appurtenant to) existing commercial, industrial or institutional facilities, such as on-premise signs, small parking lots, or the placement of seasonal or temporary use items such as lifeguard towers, mobile food units, portable restrooms, or similar items in publicly owned parks, stadiums, or other facilities designed for public use.
- (12) **Surplus Government Property Sales:** Class 12 consists of sales of surplus government property except for parcels of land located in an area of statewide, regional, or area-wide concern identified in Guidelines, Sections 15206 (b) (4) & 15312.
- (13) **Acquisition of Land for Wildlife Conservation Purposes:** Class 13 consists of the acquisition of lands for fish and wildlife conservation purposes including preservation of fish and wildlife habitat, establishing ecological reserves under the Fish and Game Code, Section 1580, and preserving access to public lands and waters where the purpose of the acquisition is to preserve the land in its natural condition.
- (14) **Minor Additions to Schools:** Class 14 consists of minor additions within existing school grounds where the addition does not increase original student capacity by more than 25% or ten classrooms, whichever is less. The addition of portable classrooms is included in this exemption.
- (15) **Minor Land Divisions:** Class 15 consists of the division of property in “urbanized areas” zoned for residential, commercial, or industrial use into four or fewer parcels when the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous 2 years, and the parcel does not have an average slope greater than 20%.

- (16) **Transfer of Ownership of Land in Order to Create Parks:** Class 16 consists of the acquisition, sale, or other transfer of land in order to establish a park where the land is in a natural condition or contains historical archaeological resources, and either:
- (a) The management plan for the park has not been prepared, or
  - (b) The management plan proposes to keep the area in a natural condition or preserve the historic or archaeological resources. CEQA will apply when a management plan is proposed that will change the area from its natural condition or cause substantial adverse change in the significance of the historic or archaeological resource.
- (17) **Open Space Contracts or Easements:** Class 17 consists of the establishment of agricultural preserves, the making and renewing of open space contracts under the Williamson Act, or the acceptance of easements or fee interest in order to maintain the open space character of the area. The cancellation of such preserves, contracts, interests, or easements is not included and will normally be an action subject to the CEQA process.
- (18) **Designation of Wilderness Areas:** Class 18 consists of the designation of wilderness areas under the California Wilderness System.
- (19) **Annexations of Existing Facilities and Lots for Exempt Facilities:** Class 19 consists of only the following annexations: (a) Annexations to a city or special district of areas containing existing public or private structures developed to the density allowed by the current zoning or pre-zoning of either the gaining or losing government agency whichever is more restrictive, provide, however, that the extension of utility services to the existing facilities would have a capacity to serve only the existing facilities; (b) Annexations of individual small parcels of the minimum size for facilities exempted by Guidelines, Section 15303 “New Construction or Conversion of Small Structures.”
- (20) **Changes in Organization of Local Agencies:** Class 20 consists of changes in the organization or reorganization of local governmental agencies where the changes do not change the geographical area in which previously existing powers are exercised such as the

establishment of a subsidiary district, consolidation of two or more districts having identical powers or the merger with a city of a district lying entirely within the boundaries of the city.

- (21) **Enforcement Actions by Regulatory Agencies:** Class 21 consists of actions by regulatory agencies to enforce or revoke a lease, permit, license, certificate, or other entitlement for use issued, adopted, or prescribed by the regulatory agency or enforcement of a law, general rule, standard, or objective, administered by the regulatory agency, as defined in Guidelines, Section 15321.
- (22) **Educational or Training Programs Involving No Physical Changes:** Class 22 consists of the adoption, alteration, or termination of educational or training programs which involve no physical alteration in the area affected or which involve physical changes only in the interior of existing school or training structures such as changes in curriculum or training methods, or change in the grade structure in a school which does not result in changes in student transportation.
- (23) **Normal Operations of Facilities for Public Gatherings:** Class 23 consists of the normal operations of existing facilities for public gatherings for which the facilities were designed, where there is a past history of the facility being used for the same or similar kind of purpose. For the purpose of this section, “past history” shall mean that the same or similar kind of activity has been occurring for at least three (3) years and that there is a reasonable expectation that the future occurrence of the activity would not represent a change in the operation of the facility. Facilities included within this exemption include, but not be limited to, racetracks, stadiums, convention centers, auditoriums, amphitheaters, planetariums, swimming pools, and amusement parks.
- (24) **Regulation of Working Conditions:** Class 24 consists of actions taken by regulatory agencies, including the Industrial Welfare Commission as authorized by statute, to regulate, employee wages, hours of work or working conditions where there will be no demonstrable physical changes outside the place of work.
- (25) **Transfer of Ownership of Interest in Land to Preserve Existing Natural Conditions and Historical Resources:** Class 25 consists of the transfer of

ownership in interests of land in order to preserve open space, habitat, or historical resources as defined in Guidelines, Section 15325.

- (26) **Acquisition of Housing for Housing Assistance Programs:** Class 26 consists of actions by a redevelopment agency, housing authority, or other public agency to implement an adopted Housing Assistance Plan by acquiring an interest in housing units. The housing units may be either in existence or possessing all required permits for construction when the agency makes its final decision to acquire the units.
- (27) **Leasing New Facilities:** Class 27 consists of leasing of a newly constructed or previously unoccupied privately-owned facility by a local or state agency where the local governing authority determined that the building was exempt from CEQA and meets the standards as defined in Guidelines, Section 15327.
- (28) **Small Hydroelectric Projects at Existing Facilities:** Class 28 consists of the installation of hydroelectric generating facilities in connection with existing dams, canals, and pipelines where the capacity of the generating facility is 5 megawatts or less and defined in Guidelines, Section 15328. The operation of the generating facilities will not change the flow regime in the affected stream, canal, or piping.
- (29) **Cogeneration Projects at Existing Facilities:** Class 29 consists of the installation of cogeneration equipment with a capacity of 50 megawatts or less at existing facilities meeting the conditions described in Guidelines, Section 15329.
- (30) **Minor Actions to Prevent, Minimize, Stabilize, Mitigate or Eliminate the Release or Threat of Release of Hazardous Waste or Hazardous Substances:** Class 30 consists of any minor cleanup actions taken to prevent, minimize, stabilize, mitigate or eliminate the release or threat of release of a hazardous waste or substance which are small or medium removal actions costing \$1 million or less. No cleanup action shall be subject to this Class 30 exemption if the action requires the onsite use of a hazardous waste incinerator or thermal treatment unit, or the relocation of residences or businesses, or the actions involves the potential release into the air of volatile organic compounds as defined in the Health and Safety Code, Section 25123.6

or as further defined in Guidelines, Section 15330.

- (31) **Historical Resource Restoration/Rehabilitation:** Class 31 consists of projects limited to maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation, or reconstruction of historical resources in a manner consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings (1995).
- (32) **In-Fill Development Projects:** Class 32 consists of projects characterized as in-fill development meeting the following conditions:
- (a) The project is consistent with the applicable general plan designation and policies as well as with applicable zoning designation and regulations.
  - (b) The proposed project occurs within city limits on a site of no more than five acres substantially surrounded by urban uses.
  - (c) The project site has no value as habitat for endangered, rare or threatened species.
  - (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
  - (e) The site can be adequately served by all required utilities and public services.
- (33) **Small Habitat Restoration Projects:** Class 33 consists of projects not to exceed five acres in size to assure that maintenance, restoration, enhancement, or protection of habitat for fish, plants, or wildlife provided that:
- (a) There would be no significant adverse impact or endangered, rare, or threatened species or their habitat pursuant to section 15065;
  - (b) There are no hazardous materials at or around the project site that may be disturbed or removed; and
  - (c) The project will not result in impacts that are significant when viewed in connection with the effects of past project, the effects of other current projects, and the effects of probable future projects.
  - (d) Examples of small restoration projects may include, but are not limited to:
    - (1) Revegetation of disturbed areas with native plant species;
    - (2) Wetland restoration, the primary purpose of

- which is to improve conditions for waterfowl or other species that rely on wetland habitat;
- (3) Stream or river bank revegetation, the primary purpose of which is to improve habitat for amphibians or native fish;
- (4) Projects to restore or enhance habitat that are carried out principally with hand labor and not mechanized equipment;
- (5) Stream or river bank stabilization with native vegetation or other bioengineering techniques, the primary purpose of which is to reduce or eliminate erosion and sedimentation; and
- (6) Culvert replacement conducted in accordance with published guidelines of the Department of Fish and Game or NOAA Fisheries, the primary purpose of which is to improve habitat or reduce sedimentation.

Note: For a complete explanation of the Categorical Exemptions listed above review the CEQA Guidelines, Sections 15300 – 15333 or as amended.

- (C) Exceptions to Exemptions: Projects that are located in sensitive environments; would result in cumulative impacts; have a significant effect on the environment; affect scenic highways; affect historical resources, and/or are hazardous waste sites do not qualify as exemptions, pursuant to CEQA Guidelines Section 15300.2.
- (D) Notice of Exemption, CEQA Guidelines, Section 15062:
  - (1) When the Executive Officer determines that a project is exempt from CEQA and after the project is approved, a Notice of Exemption may be filed. The Notice shall include: (1) a brief description of the project; (2) a finding that the project is exempt from CEQA, including a citation to the Guidelines section or statute under which it is found to be exempt; and (3) a brief statement of reasons to support the finding.
  - (2) The Notice of Exemption may be filed with the County Clerk/Recorder within five working days of the project's approval. Copies of such notice shall be made available for public inspection and a list of such notices shall be posted by the Office of the Clerk and shall remain posted for a period of thirty (30) days.
  - (3) The appeal procedure shall be to the full Commission, the Applicant, Submitting Department, or interested party may appeal by submitting appropriate fees.

## **Section 7: INITIAL ENVIRONMENTAL ASSESSMENT PROCEDURE**



(A) Initial Study:

All Applicants for discretionary projects or approval of an application and projects, subject to CEQA, shall submit a completed application to the Executive Officer. If the Executive Officer determines that the proposal is complete within 30 days of receipt of the application, and it does not require that the application be sent to a City, the application shall be deemed **ACCEPTED** for filing, only if the Commission is either Lead or Co-lead Agency pursuant to CEQA, and only if a “tax sharing agreement” has been reached between agencies. If the Commission is not the lead agency, then only a conditional Certificate of Filing will be issued.

- (1) pursuant to Section 5, the Executive Officer shall transmit a copy of the full application package to each interested agency.
- (2) Fees for the Initial Study shall be charged in accordance with the adopted LAFCO regulations, or as later amended.
- (3) The LAFCO, as Lead Agency or Co-Lead, shall review all project applications subject to CEQA and make the following determinations based on the type of project under review:
  - (a) Determine whether the particular activity is a “project” subject to CEQA, as defined in these Rules and as defined by CEQA Guidelines Section 15378;
  - (b) Determine whether the project is exempt from CEQA, pursuant to CEQA Guidelines, Section 15061;
  - (c) Determine whether the project is ministerial, pursuant to CEQA Guidelines, Section 15268;
  - (d) Determine whether or not the project is categorically exempt, pursuant to Guidelines, Article 19, Section 15300 et. seq. However, all Class exemptions are inapplicable when the activity is listed as an Exception, pursuant to CEQA Guidelines, Section 15300.2;
  - (e) Determine whether or not the project is an emergency project, CEQA Guidelines, Section 15269;
  - (f) Determine on a case-by-case basis those activities which fall within an existing EIR, Mitigated Negative Declaration, or Negative Declaration that is adequate to cover a project; and
  - (g) CEQA does not apply to projects which a Lead Agency has rejected or disapproved after an initial screening based on the merits of the project, CEQA Guidelines 15270.
- (4) The Executive Officer shall consult with responsible agencies, trustee agencies, and others responsible for any natural resources affected by the project to determine the environmental concerns for each agency involved in the project application as appropriate. These concerns may be addressed in the Initial Study, and at LAFCO.

- (5) The Initial Study shall be prepared using the current Environmental Checklist Form, attached as Appendix B of these Rules and as Appendix G of the CEQA Guidelines, or as amended.
- (6) Applications cannot be amended without permission of the reviewing body, i.e. the Lead Agency. If the Applicant requests an amendment to an application, the Lead Agency may require, as a condition of permission to substantially amend an application, that the applicant withdraw the original application and reapply, with or without a new filing fee, or agree to a new filing date sufficiently subsequent to the original filing date to permit the staff and reviewing agencies additional time required to review non-substantial changes as appropriate.
- (7) All public and private applications that seek a LAFCO action or entitlement must contain a “project description” from which it can be determined whether the project may have a significant effect on the environment. The application itself may indicate sufficient data from which any significant, adverse environmental impacts may be assessed. The project description shall include:
  - (a) A detailed map showing the precise location and boundaries of the proposed project.
  - (b) A statement of the objectives sought by the proposed project, including the purpose of the project.
  - (c) A general description of the project’s technical, economic, and environmental characteristics.
  - (d) Analysis to determine consistency with the Imperial County General Plan, and if appropriate, with a City’s General Plan.
  - (e) Some projects, may require more than the usual information required of the Applicant, including statistical data such as demographics, etc.
- (8) On ALL projects, all Initial Study marks shall be documented in writing, as to why they were so marked.
- (9) Initial Studies may be prepared by a consultant hired by the Executive Officer (LAFCO) in consultation with the applicant and with the applicant paying all costs for such an Initial Study prepared by the consultant. LAFCO shall require independent verification through its own efforts, or by contract, of any information submitted by an applicant to be paid by the applicant.
- (10) After the Initial Study has been completed by LAFCO, the applicant may modify the project to mitigate any significant, adverse environmental impacts of the project. These mitigations will be noted as “Mitigation Measures” in the LAFCO agenda package. A Mitigation measure shall be monitored by LAFCO pursuant to a “Mitigation/Monitoring program”.
- (11) Copies of Initial Studies shall be available for public review at the

LAFCO office upon request. The person requesting the copy shall pay the cost of the copy of the Initial Study.

- (12) Project Initial Study(s) shall be published in a newspaper of greatest circulation within the County at a minimum of ten (10) days prior to the final decision by an Executive Officer. The Executive Officer will direct mail notice to the applicant and any party having requested a notice in writing and be paid any time and materials.

(B) Appeal:

The Applicant or any member of the public may appeal to the I.C. LAFCO on the CEQA determination by the Executive Officer. Such appeal must be accompanied by a fee established by the LAFCO. Any such appeal must be filed as follows:

- (1) Filed with the Executive Officer to LAFCO within ten (10) calendar days of the date of the decision. When filing an appeal, clearly state the reason(s) for the appeal, and provide all information necessary to the Executive Officer of the Executive Officer's determination.
- (2) When so filed, the appeal shall stay further processing of the application, and shall stay all applicable time frames.
- (3) Prior to hearing any appeal of the Executive Officer's decision, the Executive Officer shall set a time and place of hearing thereon. No less than 10 days prior to the date of hearing, notice of the date, time and place of hearing, location of the property and the substance of the appeal shall be given by the following methods:
  - (a) A one-time publication in a newspaper of greatest circulation at a minimum of twenty-one (21) days prior to hearing date, and
  - (b) Direct mail notice to applicant, all parties of record interest, all parties having filed a written request to receive notices, all contiguous property owners; and, one of the following:
    - 1) In the R-1, R-2, R-3, R-4 Zones, all adjacent property owners' whole property is within 500 feet of the exterior boundary of the subject parcel,
    - 2) In the A-1, A-2, A-3 and R-A Zone, all adjacent property owners whose property is within 1/2 mile of the exterior boundary of the subject parcel,
    - 3) In all zones, except as specified in "1" and "2" above, all adjacent property owners whose property is within 1,000 feet of the exterior boundary of the subject parcel.
  - (c) Posting the Commission agenda at the LAFCO Office.
  - (d) Posting to the I.C. LAFCO website.
- (4) The decision, on appeal, by I.C. LAFCO shall be deemed final.

- (C) Preparation of a Negative Declaration (ND)/ Mitigated Negative Declaration (MND):
- (1) When the Executive Officer determines that preparation in the manner specified by the Guidelines of a Negative Declaration, or Mitigated Negative Declaration, is appropriate, the Executive Officer shall:
    - (a) Prepare and transmit a Notice of Intent that the LAFCO has decided to prepare a Negative Declaration, or Mitigated Negative Declaration, to each Responsible, Trustee, and other affected agencies pursuant to the Guidelines Section 15072, as appropriate;
    - (b) Mail a Notice of Intent (*NOI*) to adopt a Negative Declaration to the last **known** name and address of all organizations and individuals who have previously requested such notice in writing;
    - (c) Publish a Public Notice of Proposed Negative Declaration, or Mitigated Negative Declaration (This Notice shall indicate that interested parties have ten (10) calendar days from the date of decision to appeal the Negative Declaration, or Mitigated Negative Declaration determination);
    - (d) The County Clerk shall post such notices in the Office of the County Clerk within 24 hours of receipt for a period of at least twenty (20) days; and
    - (e) Advise the applicant of the proposed Negative Declaration, or Mitigated Negative Declaration.
  - (2) Where one or more state agencies will be a Responsible or Trustee Agency for the project or have jurisdiction by law over natural resources affected by the project, the Executive Officer shall appropriately file sufficient copies of the proposed Negative Declaration, or Mitigated Negative Declaration with the State Clearinghouse for distribution to these agencies. The public review period for the State Clearinghouse distribution is 30 (thirty) days unless shortened by the State Clearinghouse.
  - (3) The LAFCO shall consider the Negative Declaration or Mitigated Negative Declaration within 180 days of the application being deemed complete (180 days starts with a Certificate of Filing) and prior to the project being approved or disapproved.
  - (4) If the LAFCO, after reviewing the project substantially changes or deletes any of the "mitigation" measures that the Applicant has agreed to, then the LAFCO shall do one of the following:
    - (a) Make specified "Findings" for each change or modification based on substantial evidence on the record; or,
    - (b) If a "mitigation" measure is deleted from the conditions agreed to by the Applicant that changes the project description, then the

project shall go back to the Executive Officer for another environmental assessment due to the change in the project description by the decision-making body. The decision-making body shall act within the CEQA time frames and shall, if necessary deny a project to meet State-mandated time frames, unless, the applicant agrees to legally extend the mandated time limit.

- (5) The Executive Officer shall file a Notice of Determination within five (5) working days, once a final decision approving a project subject to CEQA by the decision-making body is made, with the County Clerk/Recorder and the appropriate State Office as required by the Guidelines.
- (6) The filing of a Notice of Determination and subsequent posting starts a 30-day statute of limitations for court challenge to the approval under CEQA.

## **Section 8: PREPARATION OF THE ENVIRONMENTAL IMPACT REPORTS (EIR)**

(A) In the event that the "project" has been found to have a significant effect on the environment, as determined by the Executive Officer, and not appealed by the Applicant, then an EIR shall be prepared. The EIR by itself does not control the way in which a project can be built or carried out. Rather, when an EIR shows that a project would cause substantial adverse changes in the environment, the local decision-making body shall respond to the information found in the prepared environmental documentation by one of the following methods:

- (1) Altering the proposed project;
- (2) Imposing conditions on the approval of the project;
- (3) Choosing an alternative way of meeting the same need;
- (4) Disapproving the project;
- (5) Make the finding that changing or altering the project is not feasible; or,
- (6) Make the finding and Statement of Overriding Considerations that the unavoidable significant environmental damage is acceptable (Guidelines, Section 15093).

The EIR may be in the form of a focused EIR, a subsequent EIR, a supplement to an EIR, an addendum to an EIR, staged EIR, program EIR, or other type of EIR pursuant to Article 11, Guidelines, Section 15160, et. seq. as determined appropriate by the Executive Officer.

- (B) Documentation Source: When the Executive Officer determines that preparation of an Environmental Impact Report is appropriate and no appeal is filed within ten (10) days, the Executive Officer shall:
- (1) Prepare a letter to Applicant outlining fees, CEQA procedures and may require a meeting with the approved consultant(s) and/or project

proponent, if necessary, pursuant to Section 9 of these Rules;

- (2) Notice of Preparation. Immediately after deciding that an environmental impact report is required for a project, the lead agency shall send to each responsible agency a notice of preparation stating that an environmental impact report will be prepared. This notice shall also be sent to every federal agency involved in approving or funding the project and to each trustee agency responsible for natural resources affected by the project;
  - (3) The notice of preparation shall provide the responsible agencies with sufficient information describing the project and the potential environmental effects to enable the responsible agencies to make a meaningful response;
  - (4) The notice of preparation shall include a description of the project, the location of the project, and the probable environmental effects of the project; and
  - (5) Prepare, or cause to be prepared, a Draft and Final EIR in the manner specified by the CEQA Guidelines, and these Rules.
- (C) Private Projects:
- (a) The Executive Officer shall have the authority from the LAFCO to authorize preparation of the Environmental Impact Report by contract, and shall attempt to do so within 45 days of the Executive Officer's determination, or on appeal to the Commission within 45 days of the Commission's decision.
  - (b) Fees for (A) and (B) are established by LAFCO.
- (D) Draft EIR (DEIR):
- (1) The Draft EIR shall be prepared in accordance with these Rules and State Guidelines.
  - (2) The LAFCO shall determine if the Draft EIR is complete. When the Draft EIR is satisfactorily completed, a Notice of Completion (NOC), via Transmittal Form, shall be filed with the appropriate State Office along with the required copies of the DEIR.
  - (3) A Public Notice indicating public availability of the Draft EIR for review shall be published as required by the Guidelines Section 15087, and shall include a brief description of the project, its proposed location, an address where copies of the DEIR are available for public review/comment, and the period during which comments will be received.
  - (4) The notice required under this section shall be posted in the office of the county clerk for a period of at least thirty (30) days. The county clerk shall post such notices within twenty-four (24) hours of receipt.
  - (5) The public review period for a draft EIR should not be less than forty-five

(45) days nor longer than sixty 60 days except in unusual circumstances. When a draft EIR is submitted to the State Clearinghouse for review by state agencies, the public review period shall not be less than forty-five (45) days, unless a shorter period, not less than thirty (30) days, is approved by the State Clearinghouse

- (6) Comments received after the deadline need not be evaluated or considered, but may be forwarded to the decision-making body for consideration.
- (7) The NOC and Draft EIR shall also be circulated to the same persons and agencies receiving the Notice of Preparation (NOP).
- (8) The Draft EIR shall be sent to all respondents to the NOP.

(E) Recirculation of the DEIR prior to Certification

- (1) The Executive Officer shall recirculate the DEIR when significant new information is added to the DEIR after notice is given of the availability of the DEIR for public review, but before certification by the decision-making body. As used in this Section the term "information" can include changes in the project or environmental setting as well as additional data or other information. New information added to the DEIR is not "Significant" unless the DEIR is changed in a way that deprives the public of the meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement.
- (2) "Significant new information" requiring recirculation shall be as defined by the Guidelines Section 15088.5.
- (3) The recirculation of the DEIR requires the same noticing and comment period as established under Section (D) "Draft EIR" above.

(F) Final EIR (FEIR):

- (1) After evaluating the comments received from persons who have reviewed the Draft EIR, the Executive Officer shall prepare, or cause to be prepared, a Final EIR. The contents of the Final EIR shall be as required by the Guidelines Section 15132.
- (2) Upon completing the Final EIR, the FEIR shall be submitted to the appropriate decision-making body. The FEIR certification shall be made within one year from the date of the application being accepted as complete.
- (3) The Final EIR is sent to each person or agency commenting on the Draft EIR at least fifteen (15) days prior to a public hearing held on the project subject.
- (4) The review of a Final EIR should focus on the responses to comments on the draft EIR. The "Response to Comments" can be a separate

section in the FEIR or a revision to the DEIR.

(G) Action of the Decision-Making Body:

- (1) The decision-making body shall mean, the I.C. LAFCO to the extent that said body has legal authority by ordinance, or state law, to render a final decision. The decision-making body shall, if appropriate, certify that the Final EIR has been completed in compliance with CEQA and the State Guidelines and that the information contained therein has been reviewed and considered in the decision on the project.
- (2) Notwithstanding the above, no public agency shall approve or carry out a project for which an EIR has been completed which identified one or more significant effects of the project unless the public agency makes one or more written findings specified by the Guidelines for each of those significant effects, accompanied by a statement of the facts supporting each finding.
- (3) If the required findings for a "certified" FEIR are made according to PRC, Section 21081(a), and a monitoring and/or reporting program is adopted which includes changes to the project approval, the monitoring/reporting program shall be designed to ensure compliance during project implementation.

(H) Notice of Determination (NOD):

When the I.C. LAFCO, or the Executive Officer, has made a final decision concerning a project for which an EIR has been prepared and certified, the Executive Officer shall file, within five (5) working days, a Notice of Determination. The NOD shall be filed with the County Clerk and/or appropriate State Office as required by the Guidelines, and local regulations.

Projects subject to CEQA, which have an adverse impact on fish and wildlife resources, and for which a "Notice of Determination" has been filed with the County Clerk's Office, a fee may be required made payable to I.C. LAFCO if an Environmental Impact Report was prepared and certified by the decision-making body (PRC 21089(b)).

## **Section 9: EIR PREPARATION UNDER LAFCO CONTRACT**

When an EIR is required the following procedures shall be followed:

- (A) The Executive Officer may prepare a Request for Qualifications (RFQ) to be sent out to various consulting firms and establish a listing of qualified consultants from which to choose a consultant. The Executive Officer has the option of sending out a formal or an informal "Request for Proposal" (RFP).
- (B) The consultant shall provide the Executive Officer, upon request, one copy of a work/contract proposal containing:

The personnel to be assigned;



Wage scales;

Time to complete Draft EIR and Final EIR;

Total costs to provide a specified number of Draft EIR's;

Total costs to provide a specified number of Final EIR's;

Summation of total costs to provide described services in a "not to exceed cost" format; and

Any additional information requested.

- (C) All proposals shall be reviewed and analyzed by the Executive Officer, for the awarding of a contract to a particular bidder.
- (D) The Applicant has thirty (30) days from the date of notification to make payment of the above-described funds. At the end of the thirty (30) days, if the Applicant has not paid said funds, the project application will be closed out and returned to the Applicant.
- (E) When the cost of preparing an EIR by LAFCO contract exceeds the Applicant's deposit, the Applicant shall pay the LAFCO the additional sum prior to submission of the EIR to the appropriate decision-making body.
- (F) If the cost of the EIR being prepared is less than the estimated cost and Applicant's deposit, the amount of over payment shall be refunded to the Applicant.
- (G) The environmental documentation developed under Contract by the consultant shall be submitted to the Executive Officer only, for review and approval. (An EIR is a LAFCO document and as such it is to be clear to the Applicant and/or consultant that the selected/approved consultant works for the LAFCO although paid for by the Applicant).
- (H) The Executive Officer shall review the submitted documentation and determine whether it meets all requirements of CEQA and Section 8 of these Rules.

## **Section 10: PUBLIC INSPECTION**

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All final reports or final documents filed pursuant to these Rules shall be available for public inspection and copies may be purchased at the rate set by Executive Officer.

## **Section 11: FEES**

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All reports or documents filed in pursuant to these Rules shall be subject to the fees authorized by LAFCO.

- (A) When the EIR is prepared by a consultant under contract to the LAFCO, the Applicant shall pay a fee to the LAFCO established by LAFCO.
- (B) Large projects may require the hiring of an independent, third-party consultant acceptable to and directed by the Executive Officer to evaluate the suitability of

the environmental documentation submitted. The Executive Officer shall have the discretion to determine when a project would need this LAFO-retained consultant on a case-by-case basis and be approved by the LAFCO. The cost of this third-party consultant shall be borne by the Applicant.

## **Section 12: LAFCO AS A RESPONSIBLE AGENCY**

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To assure that the LAFCO is properly involved and responsive to any environmental document being prepared by another agency, the following procedures are herewith established:

- (1) The LAFCO Executive Officer shall respond on behalf of LAFCO with or without the approval of the Commission and as such represents the Commission.
- (2) If the Executive Officer determines that a project is a “major project” or a project of “significance” or a “controversial project”, the LAFCO Executive Officer may present such a project/response to the LAFCO. Due to time constraints, the Executive Officer may send his/her response noting that the Commission has not reviewed same and may have additional comments.
- (3) Any notice for an NOP or request for response to the Executive Officer shall be copied to each Commissioner.
- (4) Where a lead agency prepares a CEQA document that was done without LAFCO action as Co-Lead and such document is inadequate as determined by LAFCO, the Commission may:
  - (a) Refuse to certify the document and deny the application.
  - (b) Prepare a new CEQA document with applicant paying all costs.
  - (c) Litigate the CEQA document.

## *Environmental Checklist*

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1. **Project Title:**
2. **Lead Agency:** Imperial LAFCO
3. **Contact person and phone number:** Tyler Salcido, Executive Officer (760) 353 - 4115
4. **Address:** 1122 State Street, Suite D, El Centro CA, 92243
5. **E-mail:** tylers@iclafco.com
6. **Project location:**
7. **Project sponsor's name and address:**
8. **General Plan designation:**
9. **Zoning:**
10. **Description of project:**
  
11. **Surrounding land uses and setting:** Briefly describe the project's surroundings:
  
12. **Other public agencies whose approval is required** (e.g., permits, financing approval, or participation agreement.):
  
13. **Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?**

**Note:** Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process. (See Public Resources Code, Section 21080.3.2). Information may also be available from the California Native American Heritage Commission's Sacred Lands File per Public Resources Code, Section 5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that Public Resources Code, Section 21082.3 (c) contains provisions specific to confidentiality.

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

<input type="checkbox"/>	Aesthetics	<input type="checkbox"/>	Agriculture/Forestry Resources	<input type="checkbox"/>	Air Quality
<input type="checkbox"/>	Biological Resources	<input type="checkbox"/>	Cultural Resources	<input type="checkbox"/>	Energy
<input type="checkbox"/>	Geology/Soils	<input type="checkbox"/>	Greenhouse Gas Emissions	<input type="checkbox"/>	Hazards & Hazardous Materials
<input type="checkbox"/>	Hydrology/Water Quality	<input type="checkbox"/>	Land Use / Planning	<input type="checkbox"/>	Mineral Resources
<input type="checkbox"/>	Noise	<input type="checkbox"/>	Population / Housing	<input type="checkbox"/>	Public Services
<input type="checkbox"/>	Recreation	<input type="checkbox"/>	Transportation	<input type="checkbox"/>	Tribal Cultural Resources
<input type="checkbox"/>	Utilities/Service Systems	<input type="checkbox"/>	Wildfire	<input type="checkbox"/>	Mandatory Findings of Significance

**After Review of the Initial Study**

Found that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

Found that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

Found that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

Found that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

Found that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE DE MINIMIS IMPACT FINDING:  Yes  No

\_\_\_\_\_  
Tyler Salcido, Executive Officer

\_\_\_\_\_  
Date

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## EVALUATION OF ENVIRONMENTAL IMPACTS:

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from "Earlier Analyses," as described in (5) below, may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
  - a) Earlier Analysis Used. Identify and state where they are available for review.
  - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
  - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
- 9) The explanation of each issue should identify:
  - a) the significance criteria or threshold, if any, used to evaluate each question; and
  - b) the mitigation measure identified, if any, to reduce the impact to less than significance

Potentially Significant Impact (PSI)	Less Than Significant With Mitigation Incorporated (LTSWMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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**I. AESTHETICS**

Except as provided in Public Resources Code Section 21099, would the project:

- |  |                          |                          |                          |                          |
|--|--------------------------|--------------------------|--------------------------|--------------------------|
| a) Have a substantial adverse effect on a scenic vista or scenic highway?<br>a)  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Substantially damage scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?<br>b)  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surrounding? (Public views are those that are experienced from publicly accessible vantage point.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?<br>c) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?<br>d)  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

**II. AGRICULTURE AND FOREST RESOURCES**

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. --Would the project:

- |  |                          |                          |                          |                          |
|--|--------------------------|--------------------------|--------------------------|--------------------------|
| a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?<br>a)   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act Contract?<br>b)   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?<br>c) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d) Result in the loss of forest land or conversion of forest land to non-forest use?<br>d)   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?<br>e)   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

	Potentially Significant Impact (PSI)	Less Than Significant With Mitigation Incorporated (LTSWMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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**III. AIR QUALITY**

Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to the following determinations. Would the Project:

- |   |                          |                          |                          |                          |
|---|--------------------------|--------------------------|--------------------------|--------------------------|
| a) Conflict with or obstruct implementation of the applicable air quality plan?<br>a)   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?<br>b) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c) Expose sensitive receptors to substantial pollutant concentrations?<br>c)  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?<br>d)   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

**IV. BIOLOGICAL RESOURCES** *Would the project:*

- |   |                          |                          |                          |                          |
|---|--------------------------|--------------------------|--------------------------|--------------------------|
| a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?<br>a) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?<br>b)   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?<br>c)  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d) Interfere substantially with the movement of any resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?<br>d)   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e) Conflict with any local policies or ordinance protecting biological resource, such as a tree preservation policy or ordinance?<br>e)   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

	Potentially Significant Impact (PSI)	Less Than Significant With Mitigation Incorporated (LTSWMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
f)				

**V. CULTURAL RESOURCES** *Would the project:*

- |   |                          |                          |                          |                          |
|---|--------------------------|--------------------------|--------------------------|--------------------------|
| a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?<br>a)      | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?<br>b) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c) Disturb any human remains, including those interred outside of dedicated cemeteries?<br>c)                       | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

**VI. ENERGY** *Would the project:*

- |   |                          |                          |                          |                          |
|---|--------------------------|--------------------------|--------------------------|--------------------------|
| a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?<br>a) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?<br>b)   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

**VII. GEOLOGY AND SOILS** *Would the project:*

- |  |                          |                          |                          |                          |
|--|--------------------------|--------------------------|--------------------------|--------------------------|
| a) Directly or indirectly cause potential substantial adverse effects, including risk of loss, injury, or death involving:   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.<br>i) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| ii) Strong Seismic ground shaking?<br>ii)  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| iii) Seismic-related ground failure, including liquefaction?<br>iii)   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| iv) Landslides?<br>iv)   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Result in substantial soil erosion or the loss of topsoil?<br>b)  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c) Be located on a geologic unit or soil that is unstable or that would become unstable as a result of the project, and potentially result in on- or off-site landslides, lateral spreading, subsidence, liquefaction or collapse?<br>c)   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d) Be located on expansive soil, as defined in the latest Uniform  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |



	Potentially Significant Impact (PSI)	Less Than Significant With Mitigation Incorporated (LTSWMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
Building Code, creating substantial direct or indirect risk to life or property? d)				
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water? e)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? f)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**VIII. GREENHOUSE GAS EMISSION** *Would the project:*

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? a)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan or policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? b)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**IX. HAZARDS AND HAZARDOUS MATERIALS** *Would the project:*

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? a)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonable foreseeable upset and accident conditions involving the release of hazardous materials into the environment? b)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? c)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Be located on a site, which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? d)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area? e)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact (PSI)	Less Than Significant With Mitigation Incorporated (LTSWMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
plan? f)				
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires? g)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**X. HYDROLOGY AND WATER QUALITY** *Would the project:*

a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality? a)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin? b)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(i) result in substantial erosion or siltation on- or off-site; i)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite; ii)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or; iii)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(iv) impede or redirect flood flows? iv)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation? d)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan? e)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**XI. LAND USE AND PLANNING** *Would the project:*

a) Physically divide an established community? a)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--	--------------------------	--------------------------	--------------------------	--------------------------

	Potentially Significant Impact (PSI)	Less Than Significant With Mitigation Incorporated (LTSWMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect? b)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**XII. MINERAL RESOURCES** *Would the project:*

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? a)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? b)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**XIII. NOISE** *Would the project result in:*

a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? a)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Generation of excessive groundborne vibration or groundborne noise levels? b)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) For a project located within the vicinity of a private airstrip or an airport land use plan or where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? c)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**XIV. POPULATION AND HOUSING** *Would the project:*

a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and business) or indirectly (for example, through extension of roads or other infrastructure)? a)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere? b)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**XV. PUBLIC SERVICES** *Would the project:*

a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--	--------------------------	--------------------------	--------------------------	--------------------------

	Potentially Significant Impact (PSI)	Less Than Significant With Mitigation Incorporated (LTSWMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
service ratios, response times or other performance objectives for any of the public services:				
i) Fire Protection? i)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ii) Police Protection? ii)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iii) Schools? iii)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iv) Parks? iv)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
v) Other Public Facilities? v)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**XVI. RECREATION**

- |  |                                     |                                     |                                     |                                     |
|--|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| a) Would the project increase the use of the existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?<br>a) | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/>            |
| b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse effect on the environment?<br>b)                                     | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |

**XVII. TRANSPORTATION** *Would the project:*

- |   |                          |                          |                          |                          |
|---|--------------------------|--------------------------|--------------------------|--------------------------|
| a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?<br>a)            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Conflict or be inconsistent with the CEQA Guidelines section 15064.3, subdivision (b)?<br>b)   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c) Substantially increases hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?<br>c) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d) Result in inadequate emergency access?<br>d)   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

**XVIII. TRIBAL CULTURAL RESOURCES**

- |   |                          |                          |                          |                          |
|---|--------------------------|--------------------------|--------------------------|--------------------------|
| a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|--------------------------|

	Potentially Significant Impact (PSI)	Less Than Significant With Mitigation Incorporated (LTSWMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place or object with cultural value to a California Native American tribe, and that is:				
(i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as define in Public Resources Code Section 5020.1(k), or (i)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth is subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American Tribe. (ii)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**XIX. UTILITIES AND SERVICE SYSTEMS** *Would the project:*

a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction of which could cause significant environmental effects? a)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have sufficient water supplies available to serve the project from existing and reasonably foreseeable future development during normal, dry and multiple dry years? b)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? c)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals? d)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste? e)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**XX. WILDFIRE** *If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the Project:*

a) Substantially impair an adopted emergency response plan or emergency evacuation plan? a)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact (PSI)	Less Than Significant With Mitigation Incorporated (LTSWMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?				
b)				
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c)				
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d)				

**XXI. MANDATORY FINDINGS OF SIGNIFICANCE**

a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

# EXHIBIT B

Draft Rules and Regulations to Implement the California Environmental Quality Act (CEQA) – Red Lined Version



***RULES AND REGULATIONS TO IMPLEMENT THE  
California Environmental Quality Act (CEQA)***

**Source:  
California Environmental Quality  
Act (CEQA) (PUBLIC RESOURCES  
CODE 21000 et. seq.)  
Guidelines**

Prepared by:

Imperial Local Agency Formation  
Commission (LAFCO)  
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Tyler Salcido,  
Executive Officer to  
LAFCO



**APPROVAL  
TRACKING**

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**CEQA RULES AND REGULATIONS  
AMENDMENT APPROVAL DATES**

<b>ACTION:</b>	<b>DATE</b>
Approved	09/26/2002
Amended	12/04/2003
Amended	03/22/2012
<u>Amended</u>	<u>01/25/2018</u>
Amended	<u>12/19/2024</u> <del>01/25/2018</del>

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TRANSMITTAL RECORD (by CD only)

- ~~o County Planning/Building Department 2003~~
- ~~o Cities (All) 2003~~
- ~~o County Planning/Building Department 2013~~
- ~~o Cities (All) 2013~~
- ~~o County Planning/Building Department 2018~~
- ~~o Cities (All) 2018~~

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## INTRODUCTION

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State law requires that every lead agency have defined rules or guidelines to implement the California Environmental Quality Act (CEQA).

This manual, therefore, is the Imperial Local Agency Formation Commission (I.C. LAFCO) "Rules and Regulations to Implement CEQA". These regulations shall be applicable to all projects.

### Section 1: POLICY

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- a) **General:** The policy of the I.C. LAFCO and any adopting agency shall be the same as, and in support of, those policies defined by the State Legislature in the California Environmental Quality Act (Division 13, Public Resources Code, (PRC), 21000 et. seq.) as may be amended by Legislative Act.
- b) **Co-Lead:** It is the policy of I.C. LAFCO that in the case of substantial projects, in order to have a coordinated and legally defensible CEQA document, ~~that~~ the County/ City/District/Agency and I.C. LAFCO will process to the extent possible the project on a "co-lead" basis.

FINDINGS: The LAFCO finds that where it (I.C. LAFCO) is a responsible agency only and the lead agency has not prepared an environmental document that meets the minimum standards expected under LAFCO rules, or under the CEQA statutes or guidelines, that it is in the interest of all parties including the applicant to have a well prepared CEQA document, LAFCO would therefore have to prepare its own, if it finds the lead agency document to be inadequate.

### Section 2: PURPOSE

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These CEQA Rules are designated to implement the California Environmental Quality Act and the Guidelines thereto, which are contained in Title 14, Chapter 3 of the California Administrative Code, now cited as the CALIFORNIA CODE OF REGULATIONS (CCR) (commencing with Section 15000).

These CEQA Rules shall apply to any project for which the LAFCO is the lead agency or “responsible agency”. The provisions contained herein are not intended to replace either the terms of CEQA or the terms of the accompanying Guidelines. In the event that any of the following rules or procedures conflict with the provisions of CEQA or the Guidelines, the provisions of CEQA or the Guidelines shall control.

### **Section 3: DEFINITIONS**

The words or phrases used in these CEQA Rules shall have the meaning as used in CEQA and Guidelines, except for the following:

- (A) **“CEQA Compliance & Implementation”** The LAFCO Executive Officer is the “officially” designated environmental compliance designee and shall be responsible for the proper and effective implementation of the California Environmental Quality Act (CEQA). This shall apply ~~fer to~~ all sponsored as well as all private projects.
- (B) **“Analyst/Clerk”** shall refer to the I.C. LAFCO person whose title and job duties are shared under this category.
- (C) **“Co-Lead Agency”** means two agencies acting in partnership to prepare a CEQA document. One of the two agencies may have some greater responsibility, however to the extent possible the two agencies act as one. The intent is to streamline and coordinate the environmental review process particularly where both agencies are required to consider permitting or approving a project. For example, LAFCO and the City could be co-lead agencies for an annexation. Co-lead does not apply to I.C. LAFCO initiated projects, SOI, or MSR’s projects.
- (D) **“Decision-making body”** shall refer to the LAFCO Commission.
- (E) **“Discretionary Project”** means a project ~~which-that~~ requires the exercise of judgment or deliberation when the public agency or body decides to approve or disapprove a particular activity, as distinguished from situations where the public agency or body merely has to determine whether there has been conformity with applicable statutes, ordinances, or regulations.
- (F) **“EIR”** or **“Environmental Impact Report”** refers to a detailed statement prepared under CEQA describing and analyzing the significant environmental effects of a project and discussing ways to mitigate or avoid the effects.
- (G) **“Guidelines”** shall refer to the State Guidelines for implementation of the California Environmental Quality Act (California Code of Regulations, Title 14, Division 6, Chapter 3) and as thereafter amended.
- (H) **“Initial Study”** refers to the preliminary analysis prepared by the lead agency (LAFCO, *where LAFCO is lead*) to determine whether an EIR or a Negative

Declaration must be prepared or to identify the significant effects to be analyzed in an EIR.

- (I) **“Intermediate Project”** refers to any project with a project value of less than \$1,000,000 and is not classified as a minor project.
- (J) **“Lead Agency”** means the public agency (LAFCO, where LAFCO is the first or only agency to act, more generally it will be a City, County, or District) ~~which~~ that has the principal responsibility for carrying out or approving a project, or reviewing projects from another agency, and which has primary responsibility to determine or decide whether an EIR, Mitigated Negative Declaration, or Negative Declaration, is required for the project and will cause the appropriate document to be prepared. Criteria for determining which agency will be the Lead Agency for a project are contained in the Guidelines, Section 15051. See *also* “co-lead” agency.
- (K) **“Ministerial”** describes a governmental decision involving little or no personal judgment by the public official as to the wisdom or manner of carrying out the project. Law is applied to the facts as presented, but no special discretion or judgment is employed in reaching a decision.
- (L) **“Mitigated Negative Declaration”** refers to a Negative Declaration prepared for a project when the initial study has identified potentially significant effects on the environment, but mitigation measures will be adopted in order to reduce the impacts on the environment to less than significant.
- (M) **“Mitigation Measures”** may include, but are not limited to:
  - (a) Avoiding the impact altogether by not taking a certain action or parts of an action.
  - (b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation.
  - (c) Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment.
  - (d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
  - (e) Compensating for the impact by replacing or providing substitute resources or environments.
- (N) **“Negative Declaration”** refers to a written statement by the lead agency briefly describing the reasons that a proposed project, not exempt from CEQA, will not have a significant effect on the environment and therefore will not require the preparation of an EIR.
- (O) **“Notice of Completion” (NOC)** refers to a brief notice filed with ~~the Office of Planning & Research~~ Governor’s Office of Land Use and Climate Innovation (GO-LUCI) (aka) State Clearinghouse by a lead agency as soon as it has completed a Mitigated Negative Declaration (MND) or Draft EIR and is prepared to send out copies for review.
- (P) **“Notice of Determination” (NOD)** refers to a brief notice filed by a public agency after it approves or determines to carry out a project, which is subject

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to ~~the~~ requirements of CEQA.

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(Q) **“Notice of Preparation” (NOP)** refers to a brief notice sent by a lead agency to notify the responsible agencies, trustee agencies, and involved federal agencies that the lead agency plans to prepare an EIR for the project.

(R) **“Executive Officer”** shall mean the Executive Officer to LAFCO as appointed by LAFCO. The Executive Officer may delegate CEQA compliance responsibility to staff or consultant(s) on a ~~ease-by-ease~~case-by-case basis; however, the Executive Officer shall have the final approval.

(S) **“Project”** shall mean the whole of an action, which has the potential ~~for resulting to result~~ in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, and that is any of the following:

(a) An activity directly undertaken by any public agency.

~~(b)~~ An activity undertaken by a person which is supported, in whole or in part through contracts, grants, subsidies, loans, or other forms of assistance from one or more public agencies.

(b)

(c) An activity involving the issuance to a person of a lease, permit, license, certificate, or other entitlement for use by one or more public agencies.

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(T) **“Responsible Agency”** means a public agency, ~~which that~~ proposes to carry out or approve a project, for which a Lead Agency is preparing or has prepared an EIR, Mitigated Negative Declaration, or Negative Declaration. For ~~the purposes of~~ CEQA, the term "Responsible Agency" includes all public agencies other than the Lead Agency or the "Co-Lead Agency" ~~which that~~ have discretionary approval power over the project.

(U) **“Trustee Agency”** means a state agency having jurisdiction by law over natural resources affected by a project which are held in trust for the people of the State of California. Trustee Agencies include:

(a) The California Department of Fish and Game ~~with regard to~~concerning the fish and wildlife of the state, ~~to~~ designated rare or endangered native plants, and the game refuges, ecological reserves, and other areas administered by the department.

~~(b)~~ ~~(b)~~ The State Land Commission ~~with regard to~~concerning ~~state-owned~~state-owned "sovereign" lands such as the beds of navigable water and state ~~school~~ lands.

concerning

(c) The State Department of Parks and Recreation ~~with regard to~~concerning units of the State Park System.

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the (d) The University of California ~~with regard to~~concerning sites within Natural Land and Water Reserves System.

#### **Section 4: GENERAL RESPONSIBILITIES OF THE LAFCO**

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- (A) The Executive Officer shall be responsible for reviewing each project application submitted to or by the County, City, Special District, or Private entity, to determine the appropriate action to be taken under the standards and conditions set by CEQA and these Rules. This shall also include making a determination on a project-by-project basis whether to seek co-lead status with the City/District.
- (B) The Executive Officer shall be responsible for assuring that the mandated time periods as prescribed by CEQA and this document are met.
- (C) The Executive Officer shall be responsible and have the sole discretion for accepting and determining the completeness of all applications for projects received by the LAFCO.

#### **Section 5: APPLICATION PROCEDURES**

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- (A) Initial Discussion:
  - (1) The Executive Officer may meet with the Applicant, or at the Applicant's request, to review the project proposal. This is referred to as a Pre-Application Meeting. This is strongly encouraged.
  - (2) The Executive Officer shall provide the Applicant with the application package, fee schedule, and indemnification agreement.
  - (3) The Executive Officer shall give general guidance in the application procedures and identify necessary information and materials to be provided by the Applicant.
  - (4) The Executive Officer shall meet with the City, District, or County to establish which projects need to be prepared on a "co-lead" basis.
  - (5) The City, District, or County shall notify the Executive Officer of any pending application for a land use project that will concurrently seek an annexation or boundary change.
- (B) Determination of Completeness:
  - (1) The Applicant shall provide to the LAFCO: a check for all required fees, all information shown on the forms provided by the LAFCO, ~~and~~ a completed, signed, and dated application, including an "Indemnification Agreement", and all other supporting documentation requested by LAFCO.
  - (2) The Executive Officer shall:



- (a) Review the application and all supporting data for completeness, and whether the appropriate fees have been submitted;
- Note: Depositing the check does not constitute acceptance.*
- (b) Forward a copy of each such application to all interested parties or agencies;
- (c) Inform the applicant of any "known" potential environmental impacts; and
- (d) Make a determination of completeness within thirty (30) days of receipt of application forms, supporting documentation, and necessary fees from Applicant.

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(C) Application Found Incomplete:

(1) If the Executive Officer determines the application to be incomplete, the Executive Officer shall inform the Applicant in writing *by Letter of Transmittal* and advise the Applicant what is necessary to make the application complete. A copy of the Letter of Transmittal shall be placed in the file indicating this action was taken.

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(2) The Applicant must provide the LAFCO with the additional and/or revised information needed. Upon submission of the requested additional or revised information, the Executive Officer shall determine the completeness of the application in accordance with (B) above.

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(3) If after 60 days from date of rejection finding the project incomplete and the Applicant has not supplied the necessary information to complete the application, the application and supporting documentation shall be returned to the applicant along with all unused fees, and the project file closed. The Executive Officer shall refund only those fees not already used in the processing of the application. The Executive Officer may extend this time as he/she determines appropriate.

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(4) On any project that is returned, pursuant to provisions of paragraph (3) above, the Applicant shall file a new application with full (new) fees.

**Section 6: EXEMPTIONS**

(A) Determination of Exemption: The Executive Officer shall make a determination as to whether the project is exempt from CEQA and these Rules.

(B) Project Type: The following projects are exempt from the requirements contained in these Rules:

(1) CEQA Guidelines exemptions as follows

(a) 25 Statutory Exemptions, CEQA Guideline, Sections 15260 - 15285. (as amended)

- (1) **Ongoing Projects:** Only applies to projects that were carried out by a public agency prior to 11/23/1970. Additionally, this exemption does not apply if project has a significant amount of unused funds and it is still feasible to modify the project to mitigate potentially adverse environmental effects or in the event the public agency proposes to modify the project in such a way that the project might have a new significant effect on the environment.
- (2) **Feasibility and Planning Studies:** A project involving only feasibility or planning studies for possible future actions which the decision-making body has not approved, adopted, or funded, ~~but~~ does require consideration of environmental factors.
- (3) **Discharge Requirements:** The State Water Resources Control Board and the regional boards are exempt, when adopting waste discharge requirements, except as defined in the Federal Water Pollution Control Act.
- (4) **Timberland Preserves:** Adoption of timberland preserve zones under Government Code Sections 51100 et seq.
- (5) **Adoption of Coastal Plans and Programs:** CEQA does not apply to activities and approvals pursuant to the California Coastal Act, (PRC, Sections 30000, et seq).
- (6) **General Plan Time Extensions:** CEQA does not apply to time extensions granted by GO-LUCI (formerly the Office of Planning and Research) for the preparation and adoption of one or more elements of a City or the County General Plan.
- ~~(7)~~ **Financial Assistance to Low or Moderate Income Housing:** CEQA does not apply to actions taken by the Department of Housing and Community Development to provide financial assistance for such developments, as defined by Health and Safety Code,

(7) Section 50093. The residential project which is the subject of the application for financial assistance will be subject to CEQA when approvals are granted by another agency.

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(8) **Ministerial Projects:** Ministerial permits are exempt from the requirements of CEQA. The determination of what is "ministerial" can most appropriately be made by the particular public agency involved based upon its analysis of its ~~own~~ laws, and each public agency should make such determination either as a part of its implementing regulations or on a case-by-case basis. Further defined by Guidelines, Section 15268.

(9) **Emergency Projects:** Emergency projects, as defined by Guidelines, Section 15269, are exempt from the requirements of CEQA.

(10) **Projects Which Are Disapproved:** Projects that are rejected prior to the initiation of the CEQA process are exempt from said process, provided the project is not later resubmitted.

(11) **Early Activities Related to Thermal Power Plants:** CEQA does not apply to actions taken by a public agency, relating to the expenditure, obligation, or encumbrance of funds, by said public agency for planning, engineering, or design purposes or for "conditional" sale or purchase of equipment, fuel, water (except groundwater) steam or power. However the thermal power plants will be subject to CEQA and any documentation prepared for the thermal power plant or site or facility will include the environmental impact of the early activities.

(12) **Olympic Games:** CEQA does not apply to the activities or approvals necessary to the bidding for hosting and funding or carrying out of Olympic games under the authority of the International Olympic Committee, except for the construction of facilities necessary for such Olympic Games.

(13) **Rates, Tolls, Fares, and Charges:** The establishment, modification, structuring, restructuring, or approval of rates, tolls, fares or other charges by public agencies, which are for the following purposes: meeting agency operating expenses, including, wages, benefits; purchase or leasing of supplies or equipment,

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materials; meeting financial reserves; funding for capital projects necessary to maintain public services or obtaining funds for intra-city transfers. However rate increases to fund capital projects for the “expansion” of a system are subject to CEQA.

(14) **Family Day Care Homes:**

- a. The establishment or operation of a large family day care home, which provides in-home care for up to fourteen (14) children, as defined in the Health and Safety Code, Section 1596.78.
- b. Under the Health and Safety Code, local agencies cannot require use permits for the establishment or operation of a small family day care home, which provides in-home care for up to eight children, and the establishment or operation of a small family day care home is a ministerial action which is not subject to CEQA.

~~(15)~~ **Specified Mass Transit Projects:** The institution or increase of passenger or commuter service on rail lines or high-occupancy vehicle lanes already in use, including the modernization of existing stations and parking facilities. Facility extensions not to exceed four

~~(15)~~ (4) miles in length, which are required for transfer of passengers to or from exclusive public mass transit guideway or busway public transit services.

(16) **Transportation Improvement and Congestion Management Programs:** The development and adoption of a regional transportation improvement program or the state transportation program, however individual projects developed pursuant to these programs are subject to CEQA review.

~~(17)~~ **Projects Located Outside California:** CEQA does not apply to any project or portion thereof which is located outside of the State of California. Said projects may still be subject to National Environmental Policy Act or the state in which the project is located if adopted environmental regulations exist. Any emissions or discharges that would have a significant effect on the environment in the State of California are subject to CEQA where a California public agency has authority over the emissions or discharges.

~~(17)~~ CEQA where a California public Agency has authority

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~~over the emissions or discharges.~~

- (18) **Application of Coatings:** CEQA does not apply to a discretionary decision by an Air Quality Management District for a project consisting of the application of coatings within an existing facility at an automotive manufacturing plant provided the district makes the applicable findings in Guidelines, Section 15278.
- (19) **Air Quality Permits:** CEQA does not apply to the issuance, modification, amendment, or renewal of any permit by an Air Pollution Control District or Air Quality Management District pursuant to Title V, as defined in the Health and Safety Code, Section 39053.3 or pursuant to the Air District Title V program established under the Health and Safety Code, Section 42301.10, 42301.11 and 42301.12, unless the issuance, modification, amendment, or renewal authorized is a physical or operational change to a source or facility.
- (20) **Other Statutory Exemptions:** CEQA does not apply to the "Other Statutory Exemptions" (a) through (w) as defined in Guidelines, Section 15282.
- (21) **Housing Needs Allocation:** CEQA does not apply to regional housing needs determinations made by the Department of Housing and Community Development, a council of governments, or a city or county, pursuant to Government Code, Section 65584.
- (22) **Pipelines:** CEQA does not apply to any project consisting of the inspection, maintenance, repair, reconditioning, relocation, replacement, or removal of an existing hazardous or volatile liquid pipeline or any valve, flange, meter, or other piece of equipment that is directly attached to the pipeline, as defined in Guidelines, Section 15284.
- (23) **Transit Agency Responses to Revenue Shortfalls:** CEQA does not apply to actions taken on or after July 1, 1995 to implement budget reductions made by a publicly owned transit agency as a result of a fiscal emergency ~~eased~~caused by the failure of agency revenues to adequately fund agency programs and facilities, as defined in Guidelines, Section 15285.

Note: For a complete explanation of the Statutory Exemptions listed above review the CEQA Guidelines, Sections 15260 – 15285 or as

amended.

- (b) 332 Categorical Exemptions, CEQA Guidelines, Sections 15300 - 15333.
- (1) **Existing Facilities:** Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination, as defined in Guidelines, Section 15301.
  - (2) **Replacement or Reconstruction:** Class 2 consists of replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced, as defined in Guidelines, Section 15302.
  - (3) **New Construction or Conversion of Small Structures:** Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure, as defined in Guidelines, Section 15303.
  - (4) **Minor Alterations to Land:** Class 4 consists of minor public or private alterations in the condition of land, water, and/or vegetation, which do not involve ~~the~~ removal of healthy, mature, scenic trees, except for forestry and agricultural purposes, as defined in Guideline, Section 15304.
  - (5) **Minor Alterations in Land Use Limitations:** Class 5 consists of minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any change in land use or density, such as lot line adjustments, variances, ~~lot mergers~~, reversion to acreage ~~as per~~ in accordance with the Subdivision Map Act, or the issuance of minor encroachment permits, further defined in Guideline, Section 15305.

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~~(State of California Government Code, Section 66410–66499.58), or the issuance of minor encroachments, further defined in Guideline, Section 15305.~~

- (6) **Information Collection:** Class 6 consists of basic data collection, research, experimental management, and resource evaluation activities, which do not result in a serious or major disturbance to an environmental resource. These are strictly for information gathering purposes, or as part of a study leading to an action, which a public agency has not yet approved, adopted or funded.
- (7) **Actions by Regulatory Agencies for Protection of Natural Resources:** Class 7 consists of actions taken by regulatory agencies as authorized by state law or local ordinance to assure the maintenance, restoration, or enhancement of a natural resource where the regulatory process involves procedures for protection of the environment.
- (8) **Actions by Regulatory Agencies for Protection of the Environment:** Class 8 consists of actions taken by regulatory agencies as authorized by state law or local ordinance to assure the maintenance, restoration, or enhancement of the environment where the regulatory process involves procedures for protection of the environment. Construction activities and ~~relaxation~~reclamation of standards allowing environmental degradation are not included.
- (9) **Inspections:** Class 9 consists of activities limited entirely to inspections, to check for performance of an operation, or quality, health, or safety of a project, including related activities such as inspection for possible mislabeling, misrepresentation, or adulteration of products.
- (10) **Loans:** Class 10 consists of loans made by the Department of Veterans Affairs under the Veterans Farm and Home Purchase Act of 1943, mortgages for the purchase of existing structures where the loan will not be used for new construction and the purchase of such mortgages by financial institutions, further defined in Guidelines, Section 15310.
- (11) **Accessory Structures:** Class 11 consists of construction, or replacement of minor structures accessory to (appurtenant to) existing commercial, industrial or institutional facilities, such as on-premise signs, small parking lots, or the placement of seasonal or

temporary use items such as lifeguard towers, mobile food units, portable restrooms, or similar items in publicly owned parks, stadiums, or other facilities designed for public use.

- (12) **Surplus Government Property Sales:** Class 12 consists of sales of surplus government property except for parcels of land located in an area of statewide, regional, or ~~area-wide~~area-wide concern identified in Guidelines, Sections 15206 (b) (4) & 15312.
- (13) **Acquisition of Land for Wildlife Conservation Purposes:** Class 13 consists of the acquisition of lands for fish and wildlife conservation purposes including preservation of fish and wildlife habitat, establishing ecological reserves under the Fish and Game Code, Section 1580, and preserving access to public lands and waters where the purpose of the acquisition is to preserve the land in its natural condition.
- (14) **Minor Additions to Schools:** Class 14 consists of minor additions within existing school grounds where the addition does not increase original student capacity by more than 25% or ten classrooms, whichever is less. The addition of portable classrooms is included in this exemption.
- (15) **Minor Land Divisions:** Class 15 consists of the division of property in "urbanized areas" zoned for residential, commercial, or industrial use into four or fewer parcels when the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous 2 years, and the parcel does not have an average slope greater than 20%.
- (16) **Transfer of Ownership of Land in Order to Create Parks:** Class 16 consists of the acquisition, sale, or other transfer of land in order to establish a park where the land is in a natural condition or contains historical archaeological resources, and either:
  - (a) The management plan for the park has not been prepared, or
  - (b) The management plan proposes to keep the area in a natural condition or preserve the historical or



archaeological resources. CEQA will apply when a management plan is proposed that will change the area from its natural condition or cause substantial adverse change in the significance of the historic or archaeological resource.

- (17) **Open Space Contracts or Easements:** Class 17 consists of the establishment of agricultural preserves, the making and renewing of open space contracts under the Williamson Act, or the acceptance of easements or fee interest in order to maintain the open space character of the area. The cancellation of such preserves, contracts, interests, or easements is not included and will normally be an action subject to the CEQA process.
- (18) **Designation of Wilderness Areas:** Class 18 consists of the designation of wilderness areas under the California Wilderness System.
- (19) **Annexations of Existing Facilities and Lots for Exempt Facilities:** Class 19 consists of only the following annexations: (a) Annexations to a city or special district of areas containing existing public or private structures developed to the density allowed by the current zoning or pre-zoning of either the gaining or losing government agency whichever is more restrictive, provide, however, that the extension of utility services to the existing facilities would have a capacity to serve only the existing facilities; (b) Annexations of individual small parcels of the minimum size for facilities exempted by Guidelines, Section 15303 "New Construction or Conversion of Small Structures."
- (20) **Changes in Organization of Local Agencies:** Class 20 consists of changes in the organization or reorganization of local governmental agencies where the changes do not change the geographical area in which previously existing powers are exercised such as the establishment of a subsidiary district, consolidation of two or more districts having identical powers or the merger with a city of a district lying entirely within the boundaries of the city.
- (21) **Enforcement Actions by Regulatory Agencies:** Class 21 consists of actions by regulatory agencies to enforce or revoke a lease, permit, license, certificate, or other entitlement for use issued, adopted, or prescribed by the regulatory agency or enforcement of a law, general rule, standard, or objective, administered by the regulatory

agency, as defined in Guidelines, Section 15321.

- (22) **Educational or Training Programs Involving No Physical Changes:** Class 22 consists of the adoption, alteration, or termination of educational or training programs which involve no physical alteration in the area affected or which involve physical changes only in the interior of existing school or training structures such as changes in curriculum or training methods, or change in the grade structure in a school which does not result in changes in student transportation.
- (23) **Normal Operations of Facilities for Public Gatherings:** Class 23 consists of the normal operations of existing facilities for public gatherings [facilities](#) for which the facilities were designed, where there is a past history of the facility being used for the same or similar kind of purpose. For the purpose of this section, "past history" shall mean that the same or similar kind of activity has been occurring for at least three (3) years and that there is a reasonable expectation that the future occurrence of the activity would not represent a change in the operation of the facility. Facilities included within this exemption include, but not be limited to, racetracks, stadiums, convention centers, auditoriums, amphitheaters, planetariums, swimming pools, and amusement parks.
- (24) **Regulation of Working Conditions:** Class 24 consists of actions taken by regulatory agencies, including the Industrial Welfare Commission as authorized by statute, to regulate, employee wages, hours of work or working conditions where there will be no demonstrable physical changes outside the place of work.
- (25) **Transfer of Ownership of Interest in Land to Preserve Existing Natural Conditions and Historical Resources:** Class 25 consists of the transfer of ownership in interests of land [in order to preserve open space, habitat, or historical resources as defined in Guidelines, Section 15325.](#)

~~in order to preserve open space, habitat, or historic resources as defined in Guidelines, Section 15325.~~

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- (26) **Acquisition of Housing for Housing Assistance Programs:** Class 26 consists of actions by a redevelopment agency, housing authority, or other

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public agency to implement an adopted Housing Assistance Plan by acquiring an interest in housing units. The housing units may be either in existence or possessing all required permits for construction when the agency makes its final decision to acquire the units.

- (27) **Leasing New Facilities:** Class 27 consists of leasing of a newly constructed or previously unoccupied privately-owned facility by a local or state agency where the local governing authority determined that the building was exempt from CEQA and meets the standards as defined in Guidelines, Section 15327.
- (28) **Small Hydroelectric Projects at Existing Facilities:** Class 28 consists of the installation of hydroelectric generating facilities in connection with existing dams, canals, and pipelines where the capacity of the generating facility is 5 megawatts or less and defined in Guidelines, Section 15328. The operation of the generating facilities will not change the flow regime in the affected stream, canal, or piping.
- (29) **Cogeneration Projects at Existing Facilities:** Class 29 consists of the installation of cogeneration equipment with a capacity of 50 megawatts or less at existing facilities meeting the conditions described in Guidelines, Section 15329.
- (30) **Minor Actions to Prevent, Minimize, Stabilize, Mitigate or Eliminate the Release or Threat of Release of Hazardous Waste or Hazardous Substances:** Class 30 consists of any minor cleanup actions taken to prevent, minimize, stabilize, mitigate or eliminate the release or threat of release of a hazardous waste or substance which are small or medium removal actions costing \$1 million or less. No cleanup action shall be subject to this Class 30 exemption if the action requires the onsite use of a hazardous waste incinerator or thermal treatment unit, or the relocation of residences or businesses, or the actions involves the potential release into the air of volatile organic compounds as defined in the Health and Safety Code, Section 25123.6 or as further defined in Guidelines, Section 15330.

~~volatile organic compounds as defined in the Health and Safety Code, Section 25123.6 or as further defined in Guidelines, Section 15330.~~

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- (31) **Historical Resource Restoration/Rehabilitation:** Class 31 consists of projects limited to maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation, or reconstruction of historical resources in a manner consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings (1995).
- (32) **In-Fill Development Projects:** Class 32 consists of projects characterized as in-fill development meeting the following conditions:
- (a) The project is consistent with the ~~applicable County's General-general Plan-plan~~ designation and policies as well as with ~~applicable zoning designation and regulations, the County's Land Use Ordinance and Zoning.~~
  - (b) The proposed project occurs within ~~city the County~~-limits on a site of no more than five acres substantially ~~surround-surrounded~~ by urban uses.
  - (c) The project site has no value as habitat for endangered, rare or threatened species.
  - (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
  - (e) The site can be adequately served by all required utilities and public services.
- (33) **Small Habitat Restoration Projects:** Class 33 ~~consist-consists~~ of projects not to exceed five acres in size to assure that maintenance, restoration, enhancement, or protection of habitat for fish, ~~plant plants,~~ or wildlife provided that:
- (a) There would be no significant adverse impact or endangered, rare, or threatened species or their habitat pursuant to section 15065.
  - (b) There are ~~not-no~~ hazardous materials at or around the project site that may be disturbed or removed; and
  - (c) The project will not result in impacts that ~~are~~ significant when viewed in connection with the effects of past project, the effects of ~~other-current project~~other current projects, and the effects of probable ~~—~~ future projects.

(d) ~~Examples~~ Examples of small restoration projects may include, but are not limited to:

- (1) Revegetation of disturbed ~~area~~ areas with native plant species;
- (2) Wetland restoration, the primary purpose of which is to improve conditions for waterfowl or other species that rely on wetland habitat;
- (3) Stream or river bank revegetation, the primary purpose of which is to improve habitat for amphibians or native fish;
- (4) Projects to restore or enhance habitat that are carried out principally with hand labor and not mechanized equipment;
- (5) Stream or river bank stabilization with native vegetation or other bioengineering techniques, the primary purpose of which is to reduce ~~or eliminate~~ or eliminate erosion and sedimentation; and
- (6) Culvert replacement conducted in accordance with published guidelines of the Department of Fish and Game or NOAA Fisheries, the primary purpose of which is to improve habitat or reduce sedimentation.

Note: For a complete explanation of the Categorical Exemptions listed above review the CEQA Guidelines, Sections 15300 – 15333 or as amended.

- (C) Exceptions to Exemptions: Projects that are located in sensitive environments; would result in cumulative impacts; have a significant effect on the environment; affect scenic highways; affect historical resources, and/or are hazardous waste sites do not qualify as exemptions, pursuant to CEQA Guidelines Section 15300.2.
- (D) Notice of Exemption, CEQA Guidelines, Section 15062:
- (1) When the Executive Officer determines that a project is exempt from CEQA and after the project is approved, a Notice of Exemption may be filed. The Notice shall include: (1) a brief description of the project; (2) a finding that the project is exempt from CEQA, including a citation to the Guidelines section or statute under which it is found to be exempt; and (3) a brief statement of reasons to support the finding.
  - (2) The Notice of Exemption may be filed with the County Clerk/Recorder within five working days of the project's approval. Copies of such notice shall be made available for public inspection and a list of such notices shall be posted by the Office of the Clerk and shall remain posted for a period of thirty (30) days.

- (3) The appeal procedure shall be to the full Commission, the Applicant, Submitting Department, or interested party may appeal by submitting appropriate fees.

## Section 7: INITIAL ENVIRONMENTAL ASSESSMENT PROCEDURE

(A) Initial Study:

~~4-~~ All Applicants for discretionary ~~project projects~~ or approval of an application and projects, subject to CEQA, shall submit a completed application to the Executive Officer. ~~Upon acceptance (not receipt).~~ If the Executive Officer determines that the proposal is complete within 30 days of receipt of the application, and it does not require that the application be sent to a City, the application shall be deemed **ACCEPTED** for filing, only if the Commission is ~~either the~~ Lead or Co-lead Agency pursuant to CEQA, and only if a "tax sharing agreement" has been reached between agencies. If the Commission is not the lead agency, then only a conditional Certificate of Filing will be issued.

- (1) pursuant to Section 5, the Executive Officer shall transmit a copy of the full application package to each interested agency.
- (2) Fees for the Initial Study shall be charged in accordance with the adopted LAFCO regulations, or as later amended.
- (3) The LAFCO, as Lead Agency or Co-Lead, shall review all project applications subject to CEQA and make the following determinations based on the type of project under review:
  - (a) Determine whether the particular activity is a "project" subject to CEQA, as defined in these Rules and as defined by CEQA Guidelines Section 15378;
  - (b) Determine whether the project is exempt from CEQA, pursuant to CEQA Guidelines, Section 15061;
  - (c) Determine whether the project is ministerial, pursuant to CEQA Guidelines, Section 15268;
  - (d) Determine whether or not the project is categorically exempt, pursuant to Guidelines, Article 19, Section 15300 et. seq. However, all Class exemptions are inapplicable when the activity is listed as an Exception, pursuant to CEQA Guidelines, Section 15300.2;
  - (e) Determine whether or not the project is an emergency project, CEQA Guidelines, Section 15269;
  - (f) Determine on a case-by-case basis those activities which fall within an existing EIR, Mitigated Negative Declaration, or Negative Declaration that is adequate to cover a project; and
  - (g) CEQA does not apply to projects which a Lead Agency has

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rejected or disapproved after an initial screening based on the merits of the project, CEQA Guidelines 15270.

- (4) The Executive Officer shall consult with responsible agencies, trustee agencies, and others responsible for any natural resources affected by the project to determine the environmental concerns for each agency involved in the project application as appropriate. These concerns may be addressed in the Initial Study, and at LAFCO.
- (5) The Initial Study shall be prepared using the current Environmental Checklist Form, attached as Appendix B of these Rules and as Appendix G of the CEQA Guidelines, or as amended.
- (6) Applications cannot be amended without permission of the reviewing body, i.e. the Lead Agency. If the Applicant requests an amendment to an application, the Lead Agency may require, as a condition of permission to substantially amend an application, that the applicant withdraw the original application and reapply, with or without a new filing fee, or agree to a new filing date sufficiently subsequent to the original filing date to permit the staff and reviewing agencies additional time required to review non-substantial changes as appropriate.
- (7) All public and private applications that seek a LAFCO action or entitlement must contain a "project description" from which it can be determined whether the project may have a significant effect on the environment. The application itself may indicate sufficient data from which any significant, adverse environmental impacts may be assessed. The project description shall include:
  - (a) A detailed map showing the precise location and boundaries of the proposed project.
  - (b) A statement of the objectives sought by the proposed project, including the purpose of the project.
  - (c) A general description of the project's technical, economic, and environmental characteristics.
  - (d) Analysis to determine consistency with the Imperial County General Plan, and if appropriate, with a City's General Plan.
  - (e) Some projects, may require more than the usual information required of the Applicant, including statistical data such as demographics, etc.
- (8) On ALL projects, all Initial Study marks shall be documented in writing, as to why they were so marked.
- (9) Initial Studies may be prepared by a consultant hired by the Executive Officer (LAFCO) ~~with~~in consultation with ~~the~~ applicant and with the ~~Applicant~~applicant paying all costs for such an Initial Study prepared by the consultant. ~~LAFCO~~The LAFCO shall require independent verification through its own efforts, or by contract, of any information submitted by an ~~Applicant~~applicant to be paid by the

~~Applicant~~applicant.

- (10) After the Initial Study has been completed by ~~the LAFCO~~LAFCO, the ~~Applicant~~applicant may modify the project to mitigate any significant, adverse environmental impacts of the project. These mitigations will be noted as "Mitigation Measures" in the LAFCO agenda package. A Mitigation measure shall be monitored by LAFCO pursuant to a "Mitigation/Monitoring program".
- (11) Copies of Initial Studies shall be available for public review at the LAFCO office upon request. The person requesting the copy shall pay the cost of the copy of the Initial Study.
- (12) Projects Initial Study(s) shall be published in a newspaper of greatest circulation within the County at a minimum of ten (10) days prior to the final decision by an Executive Officer. The Executive Officer will direct mail notice to the applicant and any party having requested a notice in writing and be paid any ~~t~~ime and ~~m~~aterials.

(B) Appeal:

The Applicant or any member of the public may appeal to the I.C. LAFCO on the CEQA determination by the Executive Officer. Such appeal must be accompanied by a fee established by the LAFCO. Any such appeal must be filed as follows:

- (1) Filed with the Executive Officer to LAFCO within ten (10) calendar days of the date of the decision. When filing an appeal, clearly state the reason(s) for the appeal, and provide all information necessary to the Executive Officer of the Executive Officer's determination.
- (2) When so filed, the appeal shall stay further processing of the application, and shall stay all applicable time frames.
- (3) Prior to hearing any appeal of the Executive Officer's decision, the Executive Officer shall set a time and place of hearing thereon. No less than 10 days prior to the date of hearing, notice of the date, time and place of hearing, location of the property and the substance of the appeal shall be given by the following methods:
  - (a) A ~~onetime~~~~one-time~~ publication in a newspaper of greatest circulation at a minimum of twenty-one (21) days prior to hearing date, and
  - (b) Direct mail notice to applicant, all parties of record interest, all parties having filed a written request to receive notices, all contiguous property owners; and, one of the following:
    - 1) In the R-1, R-2, R-3, R-4 Zones, all adjacent property owners' whole property is within 500 feet of the exterior boundary of the subject parcel,
    - 2) In the A-1, A-2, A-3 and R-A Zone, all adjacent property owners whose property is within 1/2 mile of the exterior



boundary of the subject parcel,

- 3) In all zones, except as specified in “1” and “2” above, all adjacent property owners whose property is within 1,000 feet of the exterior boundary of the subject parcel.

- (c) ~~\_\_\_\_\_~~ Posting the Commission agenda at the LAFCO Office.
- (d) ~~\_\_\_\_\_~~ Posting to the I.C. LAFCO website.

- (4) The decision, on appeal, by I.C. LAFCO shall be deemed final.

(C) Preparation of a Negative Declaration (ND)/ Mitigated Negative Declaration (MND):

- (1) When the Executive Officer determines that preparation in the manner specified by the Guidelines of a Negative Declaration, or Mitigated Negative Declaration, is appropriate, the Executive Officer shall:
  - (a) Prepare and transmit a Notice of Intent that the LAFCO has decided to prepare a Negative Declaration, or Mitigated Negative Declaration, to each Responsible, Trustee, and other affected agencies pursuant to the Guidelines Section 15072, as appropriate;
  - (b) Mail a Notice of Intent (*NOI*) to adopt a Negative Declaration to the last **known** name and address of all organizations and individuals who have previously requested such notice in writing;
  - (c) Publish a Public Notice of Proposed Negative Declaration, or Mitigated Negative Declaration (This Notice shall indicate that interested parties have ten (10) calendar days from the date of decision to appeal the Negative Declaration, or Mitigated Negative Declaration determination);
  - (d) The County Clerk shall post such notices in the Office of the County Clerk within 24 hours of receipt for a period of at least twenty (20) days; and
  - (e) Advise the applicant of the proposed Negative Declaration, or Mitigated Negative Declaration; ~~and,~~
- (2) Where one or more state agencies will be a Responsible or Trustee Agency for the project or have jurisdiction by law over natural resources affected by the project, the Executive Officer shall appropriately file sufficient copies of the proposed Negative Declaration, or Mitigated Negative Declaration with the State Clearinghouse for distribution to these agencies. The public review period for the State Clearinghouse distribution is 30 (thirty) days unless shortened by the State Clearinghouse.
- (3) The LAFCO shall consider the Negative Declaration or Mitigated Negative Declaration within 180 days of the application being deemed

complete (180 days starts with a ~~final~~ Certificate of Filing) and prior to the project being approved or disapproved.

- (4) If the LAFCO, after reviewing the project substantially changes or deletes any of the "mitigation" measures that the Applicant has agreed to, then the LAFCO shall do one of the following:
  - (a) Make specified "Findings" for each change or modification based on substantial evidence on the record; or,
  - (b) If a "mitigation" measure is deleted from the conditions agreed to by the Applicant that changes the project description, then the project shall go back to the Executive Officer for another environmental assessment due to the change in the project description by the decision-making body. The decision-making body shall act within the CEQA time frames and shall, if necessary deny a project to meet State-mandated time frames, unless, the applicant agrees to legally extend the mandated time limit.
- (5) The Executive Officer shall file a Notice of Determination within five (5) working days, once a final decision approving a project subject to CEQA by the decision-making body is made, with the County Clerk/Recorder and the appropriate State Office as required by the Guidelines.
- (6) The filing of a Notice of Determination and subsequent posting starts a 30-day statute of limitations for court challenge to the approval under CEQA.

#### **Section 8: PREPARATION OF THE ENVIRONMENTAL IMPACT REPORTS (EIR)**

- (A) In the event that the "project" has been found to have a significant effect on the environment, as determined by the Executive Officer, and not appealed by the Applicant, then an EIR shall be prepared. The EIR by itself does not control the way in which a project can be built or carried out. Rather, when an EIR shows that a project would cause substantial adverse changes in the environment, the local decision-making body shall respond to the information found in the prepared environmental documentation by one of the following methods:
  - (1) Altering the proposed project;
  - (2) Imposing conditions on the approval of the project;
  - (3) Choosing an alternative way of meeting the same need;
  - (4) Disapproving the project;
  - (5) Make the finding that changing or altering the project is not feasible; or,
  - (6) Make the finding and Statement of Overriding Considerations that the unavoidable significant environmental damage is acceptable (Guidelines, Section 15093).

The EIR may be in the form of a focused EIR, a subsequent EIR, a supplement to an EIR, an addendum to an EIR, staged EIR, program EIR, or other type of EIR pursuant to Article 11, Guidelines, Section 15160, et. seq. as determined appropriate by the Executive Officer.

- (B) Documentation Source: When the Executive Officer determines that preparation of ~~an~~ Environmental Impact Report is appropriate and no appeal is filed within ten (10) days, the Executive Officer shall:
- (1) Prepare a letter to Applicant outlining fees, CEQA procedures and may require a meeting with the approved consultant(s) and/or project proponent, if necessary, pursuant to Section 9 of these Rules;
  - (2) Notice of Preparation. Immediately after deciding that an environmental impact report is required for a project, the lead agency shall send to each responsible agency a notice of preparation stating that an environmental impact report will be prepared. This notice shall also be sent to every federal agency involved in approving or funding the project and to each trustee agency responsible for natural resources affected by the project; ~~and~~
  - (3) The notice of preparation shall provide the responsible agencies with sufficient information describing the project and the potential environmental effects to enable the responsible agencies to make a meaningful response; ~~and~~
  - (4) The notice of preparation shall include a description of the project, the location of the project, and the probable environmental effects of the project; ~~and~~
  - (5) Prepare, or cause to be prepared, a Draft and Final EIR in the manner specified by the CEQA Guidelines, and these ~~County~~ Rules.
- (C) Private Projects:
- (a) The Executive Officer shall have the authority from the LAFCO to authorize preparation of the Environmental Impact Report by contract, and shall attempt to do so within 45 days of the Executive ~~Officers~~ Officer's determination, or on appeal to the Commission within 45 days of the Commission's decision.
  - (b) Fees for (A) and (B) are established by LAFCO.
- (D) Draft EIR (DEIR):
- (1) The Draft EIR shall be prepared in accordance with these Rules and State Guidelines.
  - (2) The LAFCO shall determine if the Draft EIR is complete. When the Draft EIR is satisfactorily completed, a Notice of Completion (NOC), via Transmittal Form, shall be filed with the appropriate State Office along with the required copies of the DEIR.
  - (3) A Public Notice indicating public availability of the Draft EIR for review

shall be published as required by the Guidelines Section 15087, and shall include a brief description of the project, its proposed location, an address where copies of the DEIR are available for public review/comment, and the period during which comments will be received.

- (4) The notice required under this section shall be posted in the office of the county clerk for a period of at least thirty (30) days. The county clerk shall post such notices within twenty-four (24) hours of receipt.
- (5) The public review period for a draft EIR should not be less than forty-five (45) days nor longer than sixty-~~days~~ 60 days except in unusual circumstances. When a draft EIR is submitted to the State Clearinghouse for review by state agencies, the public review period shall not be less than forty-five (45) days, unless a shorter period, not less than thirty (30) days, is approved by the State Clearinghouse
- (6) Comments received after the deadline need not be evaluated or considered, but may be forwarded to the decision-making body for consideration.
- (7) The NOC and Draft EIR shall also be circulated to the same persons and agencies receiving the Notice of Preparation (NOP).
- (8) The Draft EIR shall be sent to all respondents to the NOP.

(E) Recirculation of the DEIR prior to Certification

- (1) The Executive Officer shall recirculate the DEIR when significant new information is added to the DEIR after notice is given of the availability of the DEIR for public review, but before certification by the decision-making body. As used in this Section the term "information" can include changes in the project or environmental setting as well as additional data or other information. New information added to the DEIR is not "Significant" unless the DEIR is changed in a way that deprives the public of the meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement.
- (2) "Significant new information" requiring recirculation shall be as defined by the Guidelines Section 15088.5.
- (3) The recirculation of the DEIR requires the same noticing and comment period as established under Section (D) "Draft EIR" above.

(F) Final EIR (FEIR):

- (1) After evaluating the comments received from persons who have reviewed the Draft EIR, the Executive Officer shall prepare, or cause to be prepared, a Final EIR. The contents of the Final EIR shall be as required by the Guidelines Section 15132.

(2) Upon completing the Final EIR, the FEIR shall be submitted to the

appropriate decision-making body. The FEIR certification shall be made within one year from the date of the application being accepted as complete.

(2)

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- (3) The Final EIR is sent to each person or agency commenting on the Draft EIR at least fifteen (15) days prior to a public hearing held on the project subject.
- (4) The review of a Final EIR should focus on the responses to comments on the draft EIR. The "Response to Comments" can be a separate section in the FEIR or a revision to the DEIR.

(G) Action of the Decision-Making Body:

- (1) The decision-making body shall mean, the I.C. LAFCO to the extent that said body has legal authority by ordinance, or state law, to render a final decision. The decision-making body shall, if appropriate, certify that the Final EIR has been completed in compliance with CEQA and the State Guidelines and that the information contained therein has been reviewed and considered in the decision on the project.
- (2) Notwithstanding the above, no public agency shall approve or carry out a project for which an EIR has been completed which identified one or more significant effects of the project unless the public agency makes one or more written findings specified by the Guidelines for each of those significant effects, accompanied by a statement of the facts supporting each finding.
- (3) If the required findings for a "certified" FEIR are made according to PRC, Section 21081(a), and a monitoring and/or reporting program is adopted which includes changes to the project approval, the monitoring/reporting program shall be designed to ensure compliance during project implementation.

(H) Notice of Determination (NOD):

When the I.C. LAFCO, or the Executive Officer, has made a final decision concerning a project for which an EIR has been prepared and certified, the Executive Officer shall file, within five (5) working days, a Notice of Determination. The NOD shall be filed with the County Clerk and/or appropriate State Office as required by the Guidelines, and local regulations.

Projects subject to CEQA, which have an adverse impact on fish and wildlife resources, and for which a "Notice of Determination" has been filed with the County Clerk's Office, a fee may be required made payable to I.C. LAFCO if an Environmental Impact Report was prepared and certified by the decision-making body (PRC 21089(b)).

**Section 9: EIR PREPARATION UNDER LAFCO CONTRACT**

When an EIR is required the following procedures shall be followed:

- (A) The Executive Officer may prepare a Request for Qualifications (RFQ) to be

sent out to various consulting firms and establish a listing of qualified consultants from which to choose a consultant. The Executive Officer has the option of sending out a formal or an informal "Request for Proposal" (RFP).

(A)

- (B) The consultant shall provide the Executive Officer, upon request, one copy of a work/contract proposal containing:

The personnel to be assigned;

Wage scales;

Time to complete Draft EIR and Final EIR;

Total costs to provide a specified number of Draft EIR's;

Total costs to provide a specified number of Final EIR's;

Summation of total costs to provide described services in a "not to exceed cost" format; and

Any additional information requested.

- (C) All proposals shall be reviewed and analyzed by the Executive Officer, for the awarding of a contract to a particular bidder.

- (D) The Applicant has thirty (30) days from the date of notification to make payment of the above-described funds. At the end of the thirty (30) days, if the Applicant has not paid said funds, the project application will be closed out and returned to the Applicant.

- (E) When the cost of preparing an EIR by LAFCO contract exceeds the Applicant's deposit, the Applicant shall pay the LAFCO the additional sum prior to submission of the EIR to the appropriate decision-making body.

- (F) If the cost of the EIR being prepared is less than the estimated cost and Applicant's deposit, the amount of over payment shall be refunded to the Applicant.

- (G) The environmental documentation developed under Contract by the consultant shall be submitted to the Executive Officer only, for review and approval. (An EIR is a LAFCO document and as such it is to be clear to the Applicant and/or consultant that the selected/approved consultant works for the LAFCO although paid for by the Applicant).

- (H) The Executive Officer shall review the submitted documentation and determine whether it meets all requirements of CEQA and Section 8 of these Rules.

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## **Section 10: PUBLIC INSPECTION**

All final reports or final documents filed pursuant to these Rules shall be available for public inspection and copies may be purchased at the rate set by Executive Officer.

## **Section 11: FEES**

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All reports or documents filed in pursuant to these Rules shall be subject to the fees authorized by LAFCO.

- (A) When the EIR is prepared by a consultant under contract to the LAFCO, the Applicant shall pay a fee to the LAFCO established by LAFCO.
- (B) Large projects may require the hiring of an independent, third-party consultant acceptable to and directed by the Executive Officer to evaluate the suitability of the environmental documentation submitted. The Executive Officer shall have the discretion to determine when a project would need this LAFCO-retained consultant on a case-by-case basis and be approved by the LAFCO. The cost of this third-party consultant shall be borne by the Applicant.

## **Section 12: LAFCO AS A RESPONSIBLE AGENCY**

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To assure that the LAFCO is properly involved and responsive to any environmental document being prepared by another agency, the following procedures are herewith established:

- (1) The LAFCO Executive Officer shall respond on behalf of LAFCO with or without the approval of the Commission and as such represents the Commission.
- (2) If the Executive Officer determines that a project is a "major project" or a project of "significance" or a "controversial project", the LAFCO Executive Officer may present such a project/response to the LAFCO. Due to time constraints, the Executive Officer may send his/her response noting that the Commission has not reviewed same and may have additional comments.
- (3) Any notice for an NOP or request for response to the Executive Officer shall be copied to each Commissioner.
- (4) Where a lead agency prepares a CEQA document that was done without LAFCO action as Co-Lead and such document is inadequate as determined by LAFCO, the Commission may:
  - (a) Refuse to certify the document and deny the application.
  - (b) Prepare a new CEQA document with applicant paying all costs.
  - (c) Litigate the CEQA document.

## *Environmental Checklist*

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1. **Project Title:**
2. **Lead Agency:** Imperial LAFCO
3. **Contact person and phone number:** Tyler Salcido, Executive Officer (760) 353 - 4115
4. **Address:** 1122 State Street, Suite D, El Centro CA, 92243
5. **E-mail:** tylers@iclafco.com
6. **Project location:**
7. **Project sponsor's name and address:**
8. **General Plan designation:**
9. **Zoning:**
10. **Description of project:**
  
11. **Surrounding land uses and setting:** Briefly describe the project's surroundings:
  
12. **Other public agencies whose approval is required** (e.g., permits, financing approval, or participation agreement.):
  
13. **Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?**

**Note:** Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process. (See Public Resources Code, Section 21080.3.2). Information may also be available from the California Native American Heritage Commission's Sacred Lands File per Public Resources Code, Section 5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that Public Resources Code, Section 21082.3 (c) contains provisions specific to confidentiality.



**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

<input type="checkbox"/>	Aesthetics	<input type="checkbox"/>	Agriculture/Forestry Resources	<input type="checkbox"/>	Air Quality
<input type="checkbox"/>	Biological Resources	<input type="checkbox"/>	Cultural Resources	<input type="checkbox"/>	Energy
<input type="checkbox"/>	Geology/Soils	<input type="checkbox"/>	Greenhouse Gas Emissions	<input type="checkbox"/>	Hazards & Hazardous Materials
<input type="checkbox"/>	Hydrology/Water Quality	<input type="checkbox"/>	Land Use / Planning	<input type="checkbox"/>	Mineral Resources
<input type="checkbox"/>	Noise	<input type="checkbox"/>	Population / Housing	<input type="checkbox"/>	Public Services
<input type="checkbox"/>	Recreation	<input type="checkbox"/>	Transportation	<input type="checkbox"/>	Tribal Cultural Resources
<input type="checkbox"/>	Utilities/Service Systems	<input type="checkbox"/>	Wildfire	<input type="checkbox"/>	Mandatory Findings of Significance

**After Review of the Initial Study**

Found that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

Found that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

Found that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

Found that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

Found that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE DE MINIMIS IMPACT FINDING:  Yes  No

\_\_\_\_\_  
Tyler Salcido, Executive Officer

\_\_\_\_\_  
Date

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## EVALUATION OF ENVIRONMENTAL IMPACTS:

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from "Earlier Analyses," as described in (5) below, may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
  - a) Earlier Analysis Used. Identify and state where they are available for review.
  - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
  - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
- 9) The explanation of each issue should identify:
  - a) the significance criteria or threshold, if any, used to evaluate each question; and
  - b) the mitigation measure identified, if any, to reduce the impact to less than significance

Potentially Significant Impact (PSI)	Less Than Significant With Mitigation Incorporated (LTSWMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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**I. AESTHETICS**

Except as provided in Public Resources Code Section 21099, would the project:

- |  |                          |                          |                          |                          |
|--|--------------------------|--------------------------|--------------------------|--------------------------|
| a) Have a substantial adverse effect on a scenic vista or scenic highway?<br>a)  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Substantially damage scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?<br>b)  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surrounding? (Public views are those that are experienced from publicly accessible vantage point.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?<br>c) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?<br>d)  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

**II. AGRICULTURE AND FOREST RESOURCES**

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. --Would the project:

- |  |                          |                          |                          |                          |
|--|--------------------------|--------------------------|--------------------------|--------------------------|
| a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?<br>a)   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act Contract?<br>b)   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?<br>c) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d) Result in the loss of forest land or conversion of forest land to non-forest use?<br>d)   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?<br>e)   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

	Potentially Significant Impact (PSI)	Less Than Significant With Mitigation Incorporated (LTSWMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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**III. AIR QUALITY**

Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to the following determinations. Would the Project:

- |   |                          |                          |                          |                          |
|---|--------------------------|--------------------------|--------------------------|--------------------------|
| a) Conflict with or obstruct implementation of the applicable air quality plan?<br>a)   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?<br>b) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c) Expose sensitive receptors to substantial pollutants concentrations?<br>c)   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?<br>d)   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

**IV. BIOLOGICAL RESOURCES** *Would the project:*

- |   |                          |                          |                          |                          |
|---|--------------------------|--------------------------|--------------------------|--------------------------|
| a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?<br>a) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?<br>b)   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?<br>c)  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d) Interfere substantially with the movement of any resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?<br>d)   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e) Conflict with any local policies or ordinance protecting biological resource, such as a tree preservation policy or ordinance?<br>e)   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

	Potentially Significant Impact (PSI)	Less Than Significant With Mitigation Incorporated (LTSWMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
f)				

**V. CULTURAL RESOURCES** *Would the project:*

- |   |                          |                          |                          |                          |
|---|--------------------------|--------------------------|--------------------------|--------------------------|
| a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?<br>a)      | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?<br>b) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c) Disturb any human remains, including those interred outside of dedicated cemeteries?<br>c)                       | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

**VI. ENERGY** *Would the project:*

- |   |                          |                          |                          |                          |
|---|--------------------------|--------------------------|--------------------------|--------------------------|
| a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?<br>a) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?<br>b)   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

**VII. GEOLOGY AND SOILS** *Would the project:*

- |  |                          |                          |                          |                          |
|--|--------------------------|--------------------------|--------------------------|--------------------------|
| a) Directly or indirectly cause potential substantial adverse effects, including risk of loss, injury, or death involving:   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.<br>i) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| ii) Strong Seismic ground shaking?<br>ii)  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| iii) Seismic-related ground failure, including liquefaction?<br>iii)   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| iv) Landslides?<br>iv)   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Result in substantial soil erosion or the loss of topsoil?<br>b)  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c) Be located on a geologic unit or soil that is unstable or that would become unstable as a result of the project, and potentially result in on- or off-site landslides, lateral spreading, subsidence, liquefaction or collapse?<br>c)   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d) Be located on expansive soil, as defined in the latest Uniform  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

	Potentially Significant Impact (PSI)	Less Than Significant With Mitigation Incorporated (LTSWMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
Building Code, creating substantial direct or indirect risk to life or property? d)				
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water? e)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? f)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**VIII. GREENHOUSE GAS EMISSION** *Would the project:*

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? a)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan or policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? b)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**IX. HAZARDS AND HAZARDOUS MATERIALS** *Would the project:*

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? a)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonable foreseeable upset and accident conditions involving the release of hazardous materials into the environment? b)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? c)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Be located on a site, which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? d)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area? e)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact (PSI)	Less Than Significant With Mitigation Incorporated (LTSWMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
plan? f)				
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires? g)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**X. HYDROLOGY AND WATER QUALITY** *Would the project:*

a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality? a)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin? b)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(i) result in substantial erosion or siltation on- or off-site; i)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite; ii)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or; iii)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(iv) impede or redirect flood flows? iv)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation? d)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan? e)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**XI. LAND USE AND PLANNING** *Would the project:*

a) Physically divide an established community? a)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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	Potentially Significant Impact (PSI)	Less Than Significant With Mitigation Incorporated (LTSWMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect? b)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**XII. MINERAL RESOURCES** *Would the project:*

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? a)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? b)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**XIII. NOISE** *Would the project result in:*

a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? a)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Generation of excessive groundborne vibration or groundborne noise levels? b)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) For a project located within the vicinity of a private airstrip or an airport land use plan or where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? c)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**XIV. POPULATION AND HOUSING** *Would the project:*

a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and business) or indirectly (for example, through extension of roads or other infrastructure)? a)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere? b)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**XV. PUBLIC SERVICES** *Would the project:*

a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--	--------------------------	--------------------------	--------------------------	--------------------------



	Potentially Significant Impact (PSI)	Less Than Significant With Mitigation Incorporated (LTSWMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
service ratios, response times or other performance objectives for any of the public services:				
i) Fire Protection? i)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ii) Police Protection? ii)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iii) Schools? iii)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iv) Parks? iv)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
v) Other Public Facilities? v)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**XVI. RECREATION**

a) Would the project increase the use of the existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? a)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse effect on the environment? b)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

**XVII. TRANSPORTATION** *Would the project:*

a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities? a)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Conflict or be inconsistent with the CEQA Guidelines section 15064.3, subdivision (b)? b)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Substantially increases hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? c)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Result in inadequate emergency access? d)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**XVIII. TRIBAL CULTURAL RESOURCES**

a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place,	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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	Potentially Significant Impact (PSI)	Less Than Significant With Mitigation Incorporated (LTSWMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place or object with cultural value to a California Native American tribe, and that is:				
(i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as define in Public Resources Code Section 5020.1(k), or (i)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth is subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American Tribe. (ii)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**XIX. UTILITIES AND SERVICE SYSTEMS** *Would the project:*

a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction of which could cause significant environmental effects? a)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have sufficient water supplies available to serve the project from existing and reasonably foreseeable future development during normal, dry and multiple dry years? b)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? c)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals? d)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste? e)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**XX. WILDFIRE** *If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the Project:*

a) Substantially impair an adopted emergency response plan or emergency evacuation plan? a)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact (PSI)	Less Than Significant With Mitigation Incorporated (LTSWMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?				
b)				
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c)				
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d)				

**XXI. MANDATORY FINDINGS OF SIGNIFICANCE**

a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

# EXHIBIT C

Draft LAFCo Resolution #2025-XX



**IMPERIAL LOCAL AGENCY FORMATION COMMISSION**

**January 23, 2025**

**RESOLUTION #2025-XX OF THE LOCAL AGENCY FORMATION COMMISSION OF THE COUNTY OF IMPERIAL APPROVING AND ADOPTING THE UPDATED RULES TO IMPLEMENT CEQA.**

**RESOLVED, by the Local Agency Formation Commission** of the County of Imperial, State of California, that:

**WHEREAS**, state law requires that all projects comply with the California Environmental Quality Act (CEQA); and

**WHEREAS**, state law also requires that each agency adopt rules on how to implement CEQA; and

**WHEREAS**, each agency must keep its rules as current as possible; and

**WHEREAS**, the Commission was provided with the updated Rules and Regulations to Implement the California Environmental Quality Act (CEQA); and

**WHEREAS**, the update reflects the 2024 California Environment Quality Act (CEQA) Statute & Guidelines; and

**WHEREAS**, on January 23, 2025, the Commission met, discussed, and voted to approve and adopt the updated Rules and Regulations to Implement the California Environmental Quality Act (CEQA).

**NOW, THEREFORE, BE IT DETERMINED, ORDERED AND RESOLVED** as follows:

The updated Rules and Regulations to Implement the California Environmental Quality Act (CEQA) are approved and adopted.

**PASSED, ADOPTED, AND APPROVED** this 23<sup>rd</sup> day of **January 2025**, by the following roll call votes:

**AYES:**

**NAYES:**

**ABSTAINED:**

**ABSENT:**

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Chair